10363
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 16, 2005

8:30 A.M.

(PAGES 10363 THROUGH 10427)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10363

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

For Witnesses McCLEARY H. SANBORN, III
Jean Lorraine Attorney at Law Seamount and 8 East Figueroa Street, Suite 200
Tiffany Haynes: Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
SEAMOUNT, Jean Lorraine	10368-SA	10387-Z		
HAYNES, Tiffany	10390-SA	10403-Z		
McCOY, Carole	10405-SA			
BERNERD, Kathryn	10416-M			

1 E X H I B I T S
2 FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.
3 5023 Photo of inside dental
4 office 10370
5 5028 Photo of outside dental office 10370
6 5029 Photo of outside dental
7 office 10370
8 5087 Statement of services 10408 10409
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 10366

Santa Maria, California
Monday, May 16, 2005
8:30 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Please remain standing. Raise your right hand, face the clerk.

JEAN LORRAINE SEAMOUNT
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Jean Lorraine Seamount. Jean, J-e-a-n; Lorraine, L-o-r-r-a-i-n-e; Seamount, S-e-a-m-o-u-n-t.
THE CLERK: Thank you.
MR. SANGER: May I proceed, Your Honor?
THE COURT: You may.
//
// 10367

DIRECT EXAMINATION
BY MR. SANGER:
Q. Good morning. Dr. Seamount, what is your professional background?
A. Should I state my degrees?
Q. Sure.
A. I obtained my Bachelor of Science in biochemistry from UCLA. I obtained my doctorate of dental surgery from UC San Francisco. And I obtained my masters of science in dentistry from the University of the Pacific.
Q. All right. And are you an orthodontist?
A. Yes, I am.
Q. How long have you been an orthodontist?
A. About 17 years.
Q. All right. Where is your office located?
A. 511 Fifth Street, Solvang.
Q. In Solvang.
All right. Your Honor, there's an exhibit that was previously received in evidence. May I put it up on the board? It's 5030.
THE COURT: You may.
Q. BY MR. SANGER: Give that a second to focus and give you a chance to look at it.
Do you see the star there?
A. Yes.
Q. Does that appear to be where your office is located in Solvang? 10368

A. Yes.
Q. And you said Fifth Street. How close is that to the main drag in Solvang?
A. It's almost to the corner.
Q. And I disrespectfully said "the main drag," but what is that street called?
A. Mission.
Q. Is it also a highway?
A. Yes, Highway 246.
Q. Is that where -- when you're going from 154 to 101, you have to slow down to 25 and enjoy the shops and the scenery there?
A. As you enter Solvang on 246, you do have to slow down.
Q. All right. Excuse me one second. We're all going to trip over something here.
Okay. All right. Your Honor, I'd like to approach the witness with a series of exhibits.
THE COURT: You may.
MR. ZONEN: Go ahead. I've seen them.
Q. BY MR. SANGER: I'm going to show you 5020 through 5029, which is a series of photographs, and just ask you to take a look at those photographs, and then I'll ask you a question after you have a chance to inspect them.
All right. Having looked at those photographs, do they appear to be photographs of your dental offices? 10369

A. Yes, they are.
Q. And do they appear to be a fair and accurate depiction of the offices?
A. Yes, they are.
MR. SANGER: Your Honor, I would move into evidence -- most of them have come in, but I would move into evidence the ones that did not, which would be 5023, 5028 and 5029.
THE COURT: Any objection?
MR. ZONEN: No objection.
THE COURT: They're admitted.
MR. SANGER: And may I publish them on the overhead, please?
THE COURT: You may.
MR. SANGER: 5020 is now being placed on the board.
Q. All right. And what does that represent?
A. That's the sign in front of my building.
Q. All right. 5021, what is that?
A. That is the exterior of my building. The front entrance.
Q. Front entrance.
5022, go ahead and tell us what that is.
I'm sorry.
A. That's the handicapped parking in the front area of the exterior of my building, facing Mission.
Q. And you see some cars parked on the street, like that little red car there? 10370

A. Yes.
Q. About how far from Mission Street, 246, is that red car?
A. Not very far. You can see the truck that's going to be crossing the intersection, so, you know, as far as how many feet, you know, I don't know, but it's pretty close.
Q. All right. And is this a populated area of California or are there people that live and work in this general area?
A. Yes, there's a residence right next door to my building. That's a hotel that you can see right over there.
Q. I'm going to point here to the right side of 5022. That's a hotel; is that correct?
A. That's correct.
Q. And you mentioned earlier a truck. I now have a pointer, for the record.
So you mentioned a truck. It looks like a white pickup truck --
A. Yes.
Q. -- going from left to right on the -- on the exhibit.
Is that truck on Mission or 246?
A. It's on Mission, which is 246.
Q. All right. Now I'm going to put up 5023.
Do you recognize that?
A. Yes. This is the counter in my waiting 10371

room, my reception area.
Q. So when you go in the front door, you have a reception area. Looks like there might be a chair there or a couch?
A. Yes.
Q. And then there's -- looks like a barrier of some sort with a swinging door; is that right?
A. Yes.
Q. And when patients are brought back into the examining room, which way do they go?
A. Not through there. There's a large entry area, or a large hall that goes into the treatment rooms.
Q. Is that to the right or the left here?
A. It's --
Q. Or behind us, I suppose.
A. It's in front of this.
Q. Okay. So as far as this is concerned, is this area the place where your staff would work?
A. Yes.
Q. And is there a telephone back there?
A. Yes.
Q. I'm going to put up 5024. And this appears to be a different view of the same area; is that correct?
A. Yes.
Q. So if I understand you - I apologize for getting that backwards - this would be the front 10372

door coming in; is that correct?
A. No. That's a window.
Q. That's a window. Okay. What is this? I
give up.
A. The front French doors.
Q. Okay. So that's the way you would come in
to the office?
A. Yes.
Q. All right. And then where do you go to go
to the examining rooms?
A. To my left, right here.
Q. So in the forefront or in the back?
A. In the back.
Q. All right. So near where you enter, you
also go -- you also go back to the examining rooms;
is that correct?
A. Yes, that's correct.
Q. All right. All right. I'm going to show
you 5025, and ask you if that's one of your
examining rooms.
A. This is my main treatment room where I see
three patients at a time.
Q. All right. Now, I take it the chairs are
for the patients, right?
A. Yes.
Q. I see here what appear to be some doors; is
that correct?
A. Yes. 10373

Q. And actually, there's a clock right above that; is that correct?
A. Yes.
Q. Does that clock work?
A. Yes.
Q. All right. Did it work in February and March of 2003?
A. Probably.
Q. All right. Now, where do these doors go to?
A. To my private office and consultation room.
Q. All right. To the left there appear to be some doors; is that correct?
A. Yes.
Q. And where do those doors go to?
A. To the exterior deck in the back.
Q. Now, is there another set of doors to the left of this that are excluded from the picture?
A. Yes.
Q. So I'm going to put up 5026 and ask you, is this the set of doors that we saw in the other picture, that being the doors on the right here?
A. Yes.
Q. And then here's another set of doors in this picture by the rocking chair on the left, right?
A. Yes.
Q. And that goes out to the back patio; is that correct?
A. Yes. 10374

Q. Are those doors -- if there was an emergency of some sort, can people go through those doors to get outside?
A. Absolutely. You can never lock them from the inside.
Q. All right. I'm going to put up 5027 and ask you what this represents.
A. That is one of our private treatment rooms.
Q. And is there a name for this room?
A. Pardon?
Q. Is there a name for the room?
A. It's called the western room.
Q. Okay. And that's because there's some western pictures on the wall, that sort of thing?
A. A western theme.
Q. And what was the name of the other room, by the way, if there was one?
A. The windmill room.
Q. Okay. So this is a separate room, and then I see some doors here. Where do those doors go?
A. To the outer deck.
Q. Are those doors unlocked so if there's an emergency somebody could go right out?
A. Yes.
Q. Now I'm going to put up 5028. And what does 5028 depict?
A. This is the exterior, the back side of my office, showing the four sets of French doors. 10375

Q. All right. Now, I see one set here. Which room does that go to?
A. The western room.
Q. And then it looks like there are two sets there in the middle, by the chimney. What do they go to?
A. Okay. The door right next to the western room goes to the sunrise room.
Q. Okay. That's the room we didn't see?
A. That's correct.
Q. All right.
A. And then there's two sets of French doors on either side of the fireplace that go into the windmill room.
Q. All right. So what did you say that was called, the --
A. The sunrise room.
Q. It almost makes you want to go have your teeth worked on.
A. That's the point.
Q. All right. I said "almost," though, by the way. Let me clarify that.
All right. Now, if you come out the back here, if somebody wanted to, you know, get away, and go to other people, to civilization to get help or whatever, could they leave by way of this back door?
A. Yes. There really aren't any barriers.
Q. Okay. I'm going to show you 5029, and ask 10376

you if you recognize 50 -- I think you told us you do, but what is 5029?
A. This is the side of my building next to the western room.
Q. So on the left here where we only see the corner of the building, if we followed that a few feet to the left, you would have the first of those French doors, correct?
A. Yes.
Q. And what -- the photographer's point of view seems to be from the patio itself, is that correct, or the deck?
A. Yes.
Q. And then there's a ramp here; is that correct?
A. Yes.
Q. Now, there's a walkway, it appears, also in the picture; is that correct?
A. Yes.
Q. Does this ramp lead to that walkway?
A. Yes.
Q. And right out in front, there seems to be a van parked there. Is that Fifth Street?
A. Yes.
Q. And then we saw in the original picture that a number of yards down to the right from this picture would be Mission, also known as 246, correct? 10377

A. Yes.
Q. All right. Do you know --
Your Honor, we can have the lights, if
that's all right.
I'll come back to it in a minute, but not
right now.
Do you know Mr. Jackson?
A. I've never talked to him. I know of him.
Q. But you never met him at any time?
A. I've never been introduced.
Q. All right. Have you had occasion to be
contacted by anybody from Mr. Jackson's ranch?
A. I think I should have my attorney address
the Judge.
MR SANBORN: Your Honor, Max Sanborn. Could
I approach?
THE COURT: Do you have an objection,
Counsel?
MR. SANBORN: Actually, Your Honor, we're
looking for a point of clarification. I understand
that Dr. Seamount's testimony is going to be in
connection with an examination and treatment of the
alleged victim's older brother, and to the extent
his mom was involved with it, the mother as well.
I understand that Evidence Code Section 998
says that there is no physician-patient privilege in
a criminal proceeding. And we're looking for
clarification with the Court, because I reviewed 10378

cases and I can't find any cases where a witness is testifying about a witness. Only the defendant is the holder. So could I have a clarification on that?
THE COURT: I'll order her to testify.
MR. SANBORN: Thank you.
THE COURT: Go ahead, Counsel.
MR. SANGER: Okay. Thank you, Your Honor.
Q. Okay. I forgot what I asked you.
Did somebody contact you from the ranch?
Have you ever been contacted by anybody from the ranch?
A. Once I was contacted by, I think it was Joe Marcus, regarding two high-profile patients that needed their braces removed.
Q. All right. And did you eventually treat those patients?
A. I removed their braces for them.
Q. All right. And do you recall the names of those patients?
A. Gavin and Star.
Q. Last name Arvizo?
A. Yes.
Q. All right. And was their mother present?
A. Yes.
Q. And what was her name?
A. I don't remember.
Q. Okay. But Mrs. Arvizo? 10379

A. Yes.
Q. All right. Now, do you recall when the appointment was scheduled for?
A. It was on a Monday evening, and since they said it was two high-profile patients, I decided to place them at the end of the day.
Q. When do you usually close your office?
A. That night, I think it was six o'clock.
Q. Okay. Do you usually close -- do you have a usual closing time of some sort?
A. For the Solvang office, it's either 5 p.m., 6 p.m. or 7 p.m., depending.
Q. All right. And on that particular night, when did you meet with these particular patients?
A. I think it was around six o'clock.
Q. Now, you indicated something about taking off the braces. What was the nature of the request? First of all, starting with Mr. Marcus, did he tell you what they needed to have done?
A. Yes. I'm pretty sure that they wanted their braces removed. I think so.
Q. And when you eventually met with the mother and the two boys, did you conclude that that's what they were requesting?
A. The mother requested removal of the braces.
Q. All right. Now, first of all, before we get to what happened there, did you see anybody arrive with the Arvizos? 10380

A. I didn't.
Q. Okay. Where did you see the Arvizo children? Did you see them in different rooms or the same room?
A. One patient was in the western room. The other was in the sunrise room.
Q. All right. So these rooms are rooms that have doors, you can exit to the back patio; is that right?
A. That's correct.
Q. Now, can you explain to us the best you recall the attitude and demeanor of the mother that you observed that night?
A. She was angry at another orthodontist who had placed the braces, and she wanted the braces removed so she could send the braces back in the mail to the orthodontist. She claimed that once the orthodontist found out who she was, he wanted more money, and so she was very angry and she just wanted them removed. And she wanted to personally send them back by mail to him.
Q. Now, was that consistent with your medical advice?
A. No. I spent quite some time explaining to her about the need for treatment, and that I could take over or any orthodontist could take over the braces that were placed, and I recommended not removing the braces and continuing on with 10381

1 treatment.
2 Q. How did that advice -- how was that received
3 by Mrs. Arvizo?
4 A. I think that she discussed it with her sons.
5 I can't completely remember. And then we also
6 discussed other treatment options, such as braces
7 behind the teeth.
8 Q. Now, did she specifically ask about options
9 that would be more expensive than the ones that she
10 had?
11 A. I don't remember.
12 Q. Okay. You say "braces behind the teeth."
13 Is that sort of an invisible braces procedure?
14 A. Yes.
15 Q. All right. And did she ask you for a quote
16 to install those kinds of braces?
17 A. She seemed interested. I don't remember if
18 she asked for a quote or not.
19 Q. All right. Now, why was it that you
20 recommended that she not remove the braces that were
21 there?
22 A. Because they need braces and it's their best
23 interest to continue on with treatment.
24 Q. Did you inspect the braces that were in
25 place?
26 A. Yes.
27 Q. Did they appear to be installed properly?
28 A. Yes. 10382

Q. Did they appear to be doing the job they were designed to do?
A. Yes.
Q. And taking them off at that time, did that appear to you to be counterproductive?
A. Yes.
Q. All right. Now, did you have an opportunity to review your medical records and determine the date that this visit occurred?
A. No. It appeared that they had been recently placed, and that there hadn't been much tooth movement. She refused to fill out the paperwork that we normally have patients fill out.
Q. Okay. I guess what I was asking, and it's my fault, did you review your paperwork to determine what day this family came in to see you?
A. Oh, yes, I did.
Q. And what day was that?
A. That was February 24th.
Q. 2003?
A. Yes.
Q. How long were the three Arvizos in your office that night?
A. Probably a couple of hours. I'm not sure.
Q. And during that period of time did you ever see anybody with them?
A. No.
Q. So if Mr. Marcus was there at all, he 10383

never -- you never saw him, he never came back in the back?
A. That's correct.
Q. Were there any other bodyguards or anybody else like that?
A. I didn't see anybody.
Q. Was there a positive PR film crew that was following this group around taking pictures of you doing this orthodontic work?
A. No.
Q. When they left, did -- were they -- how did they leave? In other words --
A. They just left.
Q. All right. Said goodbye to you and they walked out on their own; is that right?
A. Yes.
Q. Nobody came and took them out?
A. I didn't see anybody.
Q. All right. Now, besides the telephone that's located in the reception area, are there other telephones located in your suite of offices?
A. Yes.
Q. If a patient or client wants to use the telephone, makes a request, do you allow them to do so?
A. Absolutely.
Q. Does that happen on a fairly regular basis?
A. Yes. 10384

Q. Did anybody in this family during that
two-hour period ask to use the telephone?
A. No.
Q. Did they give any indication that they were
being held against their will?
A. Not at all.
Q. Did anybody in this group make any request
for help or assistance?
A. No.
Q. Did anyone attempt to go out the back door
and leave that way?
A. No.
Q. Now, during the time that you had Star in
one room and Gavin in the other room, what was Mrs.
Arvizo doing?
A. I don't know.
Q. Was she up and walking around or was she
seated in one particular place?
A. I don't know where she was.
Q. You talked to her from time to time during
the --
A. Yes.
Q. -- during the visit, right?
And was she in there with one or the other
of the boys from time to time when you were working
on them?
A. I don't really remember. She was free to go
where she wanted to when she wanted to. I wasn't 10385

1 really focusing on her.
2 Q. All right. Now, did you observe the
3 behavior of the two boys?
4 A. Yes.
5 Q. And can you describe the behavior of Gavin?
6 A. He's the older boy, right?
7 Q. Yes.
8 A. He was undisciplined, and he started to go
9 through my drawers with my disposables.
10 Q. All right. Does that pose a health hazard?
11 A. Yes, I'd have to throw everything away.
12 Q. Okay. Did you try to stop him from doing
13 that?
14 A. Yes. And I told Tiffany, "Please don't
15 leave the boys alone."
16 Q. All right. Did he seem to be intimidated or
17 in fear at any time?
18 A. Not at all.
19 Q. Did Mrs. Arvizo appear to be intimidated or
20 in fear?
21 A. Not at all.
22 Q. What about Star, the younger of the two? Do
23 you recall what he was doing?
24 A. His behavior, I think, was better.
25 Q. Did he appear to be intimidated at all?
26 A. No.
27 Q. Okay. Now, with regard to the two boys, are
28 you clear on which one is which right now as you sit 10386

there?
A. The boy that I thought was older was in the western room and exhibited the worst behavior.
Q. Okay. Between the two, was one heavier than the other one; do you recall?
A. I -- the boy in the western room appeared to be bigger, heavier, to me.
Q. All right. And was he the one that had the -- the worst behavior or --
A. Yes.
MR. SANGER: All right. I have no further questions.
THE COURT: Mr. Zonen?
MR. ZONEN: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Doctor, good morning.
A. Good morning.
Q. Tell me what made those two patients VIP patients.
A. At the time I didn't know.
Q. What could -- do you have a collection of VIP patients that you schedule for certain times during the week?
A. Why is that important?
THE COURT: Excuse me, ma'am. Answer the question. 10387

THE WITNESS: Answer the question?
MR. SANGER: Let me do this, Your Honor.
Let me object --
THE COURT: Just a moment, Counsel.
MR. SANGER: I'm sorry.
THE COURT: Ask your question.
MR. ZONEN: Is there an answer? I don't
know if there was an answer.
THE COURT: No, you can answer the question.
THE WITNESS: Okay.
If there are scheduling problems with a
patient, I will make special arrangements, and it
doesn't matter how important they are as far as the
world's concerned. If somebody has a special need I
have come in on off hours for them.
Q. BY MR. ZONEN: My question dealt with why
these two children were designated VIP. What
exactly was it that made these two children VIP
patients?
A. I did not determine that.
Q. Was that your understanding, that somebody
in your office determined them to be VIP patients?
A. No, we were told that they were high-profile
patients from Joe Marcus.
Q. Okay. Now, "high-profile patient" means
what to you?
A. Someone recognizable.
Q. Did Joe -- is Joe Marcus somebody you knew 10388

prior to that day?
A. No.
Q. But your understanding is Joe Marcus contacted your office and said both of these kids are high-profile?
A. Yes.
Q. That they would be recognizable?
A. He didn't say that. He said, "high-profile."
Q. And that he did not want them recognized; is that the case?
A. He did not say that.
Q. Did he specifically ask that this be at a time when the clinic was otherwise closed to other patients?
A. No, he did not.
Q. Was that a decision that was made by you?
A. Yes.
Q. All right. Did you feel that that was necessary in this particular case?
A. After I met them, no, I never would have recognized them.
Q. And were you aware that Joe Marcus was there the entire time that the patients were there?
A. No.
Q. Did you learn that afterward?
A. I think I just recently heard something to that effect. I had no idea he was there. 10389

MR. ZONEN: Thank you. I have no further questions.
THE COURT: Counsel?
MR. SANGER: Okay. I have no further questions. Thank you.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: Call your next witness.
MR. SANGER: We call Tiffany Haynes.
THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

TIFFANY HAYNES
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Tiffany Haynes. T-i-f-f-a-n-y; H-a-y-n-e-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SANGER:
Q. Miss Haynes, how are you employed?
A. I’m an orthodontic assistant. 10390

Q. For whom are you working?
A. Dr. Jean Seamount.
MR. SANGER: All right. Your Honor, Mr. Sanborn, the lawyer for Dr. Seamount, asked that we clarify that the same ruling would apply to the assistant.
THE COURT: The same ruling does apply. I'll order her to testify.
MR. SANGER: Thank you.
THE COURT: I'll make it clear that the Court has waived the considerations of privacy of the patients in this situation and has ruled that the testimony -- the need for the testimony outweighs those considerations, and that's why I've ordered the doctor and any of the staff to testify.
MR. SANGER: Okay. Thank you, Your Honor.
MR. SANBORN: Thank you.
Q. BY MR. SANGER: Okay. Miss Haynes, how long have you worked for Dr. Seamount?
A. Four and a half years.
Q. Did you recently take a leave?
A. Yes. I'm on maternity leave.
Q. You're on maternity leave?
A. Yes.
Q. Were you working for her in the office on February 27th, 2003?
A. Yes, I was.
Q. And have you had a chance to go back and 10391

look at some of the records to refresh your recollection as to that date?
A. Yes, I have.
Q. All right. Now, on that particular day --
I think the bailiff is going to tell you --
BAILIFF CORTEZ: She's fine.
Q. BY MR. SANGER: Everybody has this problem.
You have to get real close to the microphone.
On that particular day, did you receive a telephone call from anybody requesting an appointment for someone?
A. Yes, we did.
Q. And who made the call, to your knowledge?
A. A staff member from Neverland Ranch.
Q. All right. Now, Mr. Jackson is seated right there. Have you ever met Mr. Jackson before?
A. No, I haven't.
Q. All right. What happened as a result of the telephone call coming from a ranch employee, or staff person at Neverland?
A. We made them an appointment and they came in.
Q. All right. Do you -- as the office manager, do you know who was billed for the services for this family?
A. I'm positive it was Neverland Ranch's bill.
Q. And did they eventually pay the bill?
A. Yes. 10392

Q. All right. Now, during -- do you recall the
name of the people who came in?
A. Yes, I do.
Q. And what was their names?
A. I remember -- well, one was Star.
Q. All right.
A. And I can't remember the other one. I'd
have to look at his paperwork.
Q. All right. Were there two boys?
A. Yes, they were two boys.
Q. And were they brothers?
A. Yes, I believe they were.
Q. So Star and his brother.
A. Yes.
Q. All right. And did anybody accompany them?
A. Yes. Their mother accompanied them.
Q. All right. Did you see any employees of the
ranch or any drivers or anybody that might have come
with them?
A. Yes.
Q. And who did you see?
A. It was a man from the ranch who made the
appointment brought them.
Q. Did you see him inside the examining rooms
at any time?
A. No.
Q. Where was he during the time of the
examinations and treatment? 10393

A. I believe he was waiting in the lobby.
Q. Okay. Did you ever see him anywhere other than the lobby?
A. No.
Q. Now, do you recall roughly what time the family got there that night?
A. 6:45.
Q. Okay. That's roughly? All right. And at that time, when was the Solvang office open until?
A. We were seeing patients until 7:00.
Q. Was it unusual to see patients who remained after the official closing time?
A. We do for certain patients that request to be seen after patient hours.
Q. All right. So it sounds like these people got there 15 minutes before closing and were there beyond?
A. Correct.
Q. How long were they there?
A. About two hours.
Q. Now, did you assist Dr. Seamount during the course of her seeing these patients?
A. Yes, I did.
Q. Was there anybody else there from your office?
A. No, there wasn't.
Q. Just you and Dr. Seamount; is that correct?
A. Yes. 10394

Q. During the time that you were assisting Dr. Seamount, did you have an opportunity to observe the behavior of the two boys?
A. Yes, I did.
Q. And can you describe their behavior?
MR. ZONEN: Your Honor, I'll object as irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, the younger boy stayed in one room with his mother. And he seemed to be fairly quiet, you know. Nobody likes to go to the dentist.
The older boy I ended up assisting was very, could I say kind of rude.
Q. BY MR. SANGER: Okay. When you say "kind of rude" - I know it's not nice to talk about people when they're not there, but this is a court, we have to ask you - what did -- why do you say that?
A. Just the way that he acted with us. He just thought that pretty much he was better than us.
Q. Okay.
MR. ZONEN: Judge, I'm going to object to the answer as a conclusion and speculative.
THE COURT: Sustained.
MR. ZONEN: Move to strike.
THE COURT: Stricken.
Q. BY MR. SANGER: Can you explain the actual 10395

behavior? Give us an idea of what occurred that caused you to feel that the older boy was rude.
A. Well, we tried to convince them to stay in treatment, you know, for the better of their teeth, and he just was very abrupt and said, “No, this is what I want done. This is what’s going to be done.” And so we ended up doing whatever he wanted.
Q. Now, was there any problem with either of these boys getting into things in the office?
A. No.
Q. Was there any time when either one of them, to your knowledge, was going through drawers or trying to get into things?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Now, tell me about what you were -- what you were explaining to the patients about their braces. Did you actually talk to them in addition to Dr. Seamount?
A. Yes.
Q. And what did you talk to them about?
A. Well, you know, trying to keep their braces on, because he wasn’t done with his treatment at all. And so if he were to take them off, then most likely, when he became an adult, he might have to have braces again, or eventually, you know, get broken teeth and crowns and dentures and whatnot. Trying to save money in the long run. 10396

Q. Now, did he tell you where he was from?
A. Yes, he did.
Q. Where did he say?
A. He was from L.A.
Q. And how did he tell you that?
MR. ZONEN: I'm going to object as
irrelevant and hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, I was trying to make
small talk and asked him where he was from. And I
asked if he was from around the valley and he said,
"No, I'm from L.A."
Q. BY MR. SANGER: All right. Now, did you ask
either one of the boys any other questions, any
other personal questions?
A. No. Not after the answer that I got.
Q. All right. And did you try to keep it on a
professional level?
A. Yes.
Q. All right. Did either of the boys appear to
be afraid of anything? Was there anything that --
A. No.
Q. Other than having a big drill or something?
A. No.
Q. But they didn't appear to be afraid of
anybody around, they didn't indicate --
A. No. 10397

Q. Did you talk to the mother?
A. I didn't personally talk to the mother.
Q. Did you see her around?
A. Yes.
Q. Did you see her interact with Dr. Seamount?
A. Yes.
Q. And what was her attitude?
A. Well, she was just there to see what was going to be done to her children pretty much. She didn't have any reaction to anything really.
Q. Did she make any requests in your presence with regard to their treatment?
A. No.
Q. Okay. Did you ever put together a proposal to replace the braces that were removed?
A. Yes.
Q. Did you do that at the mother's request?
A. Yes.
Q. Do you recall roughly how expensive that procedure would have been?
MR. ZONEN: I'm going to object as beyond the scope of this witness's expertise and relevance.
THE COURT: Foundation; sustained.
MR. SANGER: Okay.
THE COURT: Relevance; sustained.
Q. BY MR. SANGER: Okay. During the time that you were talking with these boys and the mother was present, was there a discussion by Dr. Seamount 10398

regarding whether or not they should remove the braces or not?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: Yes, they talked about removal of the braces.
Q. BY MR. SANGER: And the proposal that you wrote up, did you write that proposal in the course of your duties as office manager?
A. Yes.
Q. Is that something that you did on a regular basis?
A. Yes.
Q. And how would you go about determining what kind of a proposal to write up for a patient?
A. We just had a standard pricing that we give to everyone.
Q. So who makes the determination as to what treatment would be required?
A. Dr. Seamount does.
Q. And she'd do that in consultation with the patients?
A. Yes.
Q. And after that occurs, does she then turn to you and ask you to do the proposal?
A. Yes.
Q. And the proposal that you did in this case, did that involve working with the existing braces or 10399

putting on new braces?
MR. ZONEN: I'll object as relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Now, at the time that these people were there, did you have telephones in the office in Solvang?
A. Yes, we did.
Q. And did any of the Arvizos ask to use the telephone?
A. No, they didn't.
Q. Did anybody cry out for help?
A. No.
Q. Did anybody indicate in any way that they were being held against their will?
A. No.
Q. Did you see any evidence that anybody was holding them against their will?
A. No.
Q. Did they behave in any fashion that suggested that they were not free to do as they pleased?
A. No.
Q. There are some back doors -- we saw some pictures -- I won't put them up again, but we saw some pictures of some back doors that go out to the patio. Were those unlocked in the event that people could leave in the event of an emergency?
A. They're locked, but you can unlock them very 10400

easily. They don’t require a key or anything.
Q. So you turn the knob and you can go out?
A. Yeah.
Q. Did anybody attempt to escape?
A. No.
Q. Was there any indication that any of these people wanted to escape?
A. No.
Q. Was there -- during the time you saw these people, other than Joe Marcus, I think the gentleman you said that was waiting in the reception area, right?
A. I believe so. I was in the back office with the patients, so I wasn’t aware of whether or not he possibly left to go outside or what not. My main concern is patients.
Q. All right. You saw him there at one point, one or two points in the course of things; is that right?
A. I saw him when they came in.
Q. All right.
A. And then I was in the back office the whole entire rest of the time.
Q. When you saw him when they came in, you saw Joe Marcus in the presence of the Arvizo family, right?
A. Yes.
Q. Did you see anything that suggested that 10401

there was any tension between Joe Marcus and the Arvizo family?
A. No.
Q. Did you see anything that suggested that he was holding them against their will?
A. No.
Q. All right. Now, other than Joe Marcus, did you see anybody else -- other than Dr. Seamount and the Arvizos, did you see anybody else in the office during the period of time that we're talking about?
A. No.
Q. Joe Marcus -- did Joe Marcus have a camera?
A. No.
Q. Was there a positive PR film crew following everybody around?
A. No.
Q. Was anybody filming the removal of the --
A. No.
Q. -- orthodontic work?
A. No.
Q. You're sure about that?
A. Yes.
MR. SANGER: Okay. Thank you. I have no further questions.
THE COURT: Cross-examine?
//
//
// 10402

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Haynes, good morning.
A. Good morning.
Q. Who was it who called for the appointment that day?
A. It was Joe.
Q. And did you know Joe Marcus prior to that day?
A. No.
Q. All right. Was he the one who told you that these were high-profile patients?
A. No, they didn't say that they were high-profile patients. He just said that he was calling from Neverland Ranch, and needed to make an appointment for two guests that were at the ranch.
Q. All right. Who was it who made the decision to make the appointment for the end of the day?
A. They were. They wanted to be seen without so many patients there.
Q. All right. So who was it who said that they wanted to be seen without patients there?
A. Well, Joe was the one who called to make the appointment.
Q. Joe -- was that appointment made with you or somebody else at the clinic?
A. It was made with the front desk lady. It wasn't made directly with me. 10403

Q. But your understanding was that Joe had indicated that he wanted the appointment when no other patients were there?
A. Yes.
MR. SANGER: I'm going to object and move to strike as no foundation and hearsay.
THE COURT: Sustained. Stricken.
MR. ZONEN: No further questions.
MR. SANGER: No further questions. Thank you.
THE COURT: Thank you. You may step down. Call your next witness.
MR. MESEREAU: Defense will call Miss Katie Bernerd.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk over here and raise your right hand.

CAROLE McCOY
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Carole McCoy. C-a-r-o-l-e; M-c-C-o-y.
THE CLERK: Thank you. 10404

MR. SANGER: I can take her.
MR. MESEREAU: We'll switch, Your Honor.
MR. SANGER: Okay. Best laid plans. Sorry about that.

DIRECT EXAMINATION
BY MR. SANGER:
Q. Miss McCoy, how are you?
A. Fine, thank you.
Q. What do you do for a living at the present time?
A. I am a licensed aesthetician and I also manage a restaurant.
Q. And what restaurant do you manage?
A. Cafe Angelica.
Q. Where is that?
A. In Solvang.
Q. All right. Now, you said you were licensed. And can you tell us what that license is, please?
A. Licensed aesthetician is I do skin care, body treatments.
Q. All right. Now, you're doing pretty good, but I think the best thing is to lean into the other microphone.
A. Sorry.
Q. And you got to go right up to it. Everybody's having that problem.
A. All right. 10405

1 Q. All right. So you do skin care?
2 A. Yes.
3 Q. And have you been doing that for a long
4 time?
5 A. Yes.
6 Q. When did you get your license?
7 A. That's a good question. I've been doing it
8 for probably about eight years.
9 Q. All right. I think maybe if you pull -- the
10 bailiff was approaching you to -- maybe pull it up
11 just a little bit. There you go. And then just
12 talk right into it.
13 Where were you working February the 11th,
14 2003?
15 A. At my day spa.
16 Q. All right. And what was the name of the
17 spa?
18 A. Bare Skin Aromatherapy Day Spa.
19 Q. Where was that located?
20 A. In Los Olivos.
21 Q. Do you recall receiving a telephone call
22 from somebody at Neverland Ranch?
23 A. Yes.
24 Q. Now, do you know Mr. Jackson, who's seated
25 here?
26 A. No.
27 Q. Never met him?
28 A. No. 10406

Q. Have you dealt with people at Neverland Ranch?
A. No. Well, yes. I have a client that worked out there.
Q. All right. So you had a client that worked there?
A. Uh-huh.
Q. Have you had occasion to treat any of their guests?
A. No.
Q. On February the 11th, did you receive a call from the ranch?
A. Yes, I did.
Q. And what was that -- what did that call pertain to?
A. They had a guest that wanted to come for waxing.
Q. Did you schedule an appointment?
A. Yes, I did.
Q. What time was that appointment?
A. It was my last appointment of the day.
Q. All right. Roughly what time of day was that?
A. Probably around five o'clock.
Q. Okay. Did you have occasion to go back through your records to verify all of this?
A. Yes, I did.
Q. All right. And do you recall the client who 10407

finally showed up for this procedure?
A. I'm sorry?
Q. Do you recall the person who showed up?
A. Yes.
Q. Okay. And who was it?
A. Her name was Janet.
Q. All right. Did you get her last name?
A. It was written in the book so I didn't
really refer to her, her last name.
Q. And what was she there for? What services
did you render to her?
A. She was there for waxing.
Q. What kind of a waxing?
A. Do you want me to give you details about
what she had done?
Q. Yeah. In fact, let me do this. We've
marked a one-page document as Exhibit 5087.
Who has this witness?
MR. SNEDDON: Go ahead.
MR. SANGER: May I approach the witness,
Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: Miss McCoy, I'm going to
show you 5087 for identification and ask you if you
recognize this document.
A. Yes, I do. That's one of my statements.
Q. All right. And what does that pertain to?
A. The services she had done. It's listed all 10408

separately what she had done.
Q. All right. And those are the services for Janet, who came over from the ranch; is that correct?
A. Uh-huh.
MR. SANGER: All right. I would move 5087 into evidence, Your Honor.
MR. SNEDDON: No objection.
THE COURT: It's admitted.
MR. SANGER: I'd like to put it up, if I may.
THE COURT: You may.
MR. SANGER: Thank you.
Q. Okay. 5087 is on the -- is up on the overhead. And I think you told us that is the receipt for the work that you did, the services you performed for Janet from the ranch; is that correct?
A. That's correct.
Q. First of all, what date is that receipt dated?
A. February 7th.
Q. And that's consistent with the date that you had the appointment with this particular individual, correct?
A. Yes, that's correct.
Q. Now, can you tell us, either by looking at the receipt or from memory, what precise services you performed? 10409

A. She had a brow wax, a lip wax, face, leg, and bikini.
Q. Is that pretty much a full body wax?
A. Uh-huh.
Q. You have to say “yes” or “no” for --
A. Oh, yes.
Q. Thank you. All right. Now, do you recall talking with Janet during that period of time?
A. Yes, I did talk to her a little bit.
Q. What was your policy or is your policy when you’re treating people in the spa as far as chatting with them?
MR. SNEDDON: Object. Immaterial, Your Honor.
THE COURT: Sustained.
Q. BY MR. SANGER: Did you have a long, chatty conversation with her?
A. No, I didn’t.
Q. Okay. Was there any reason for that?
MR. SNEDDON: Object. Immaterial.
THE WITNESS: No.
Q. BY MR. SANGER: All right.
THE COURT: The objection is overruled. Next question.
MR. SANGER: I’m sorry, Your Honor, I didn’t mean to speak so quickly.
Q. Do you recall anything that Janet told you?
MR. SNEDDON: Object. Hearsay. 10410

MR. SANGER: Not offered for the truth of the matter.
THE COURT: All right. Overruled.
You may answer the question.
THE WITNESS: I try to make my clients feel comfortable and I do ask them some personal questions.
Q. BY MR. SANGER: What did she say; do you recall?
A. I --
MR. SNEDDON: Same objection, Your Honor.
THE COURT: Overruled.
Go ahead.
THE WITNESS: I asked her, you know, if -- where she was from. I asked her if she had any kids.
Q. BY MR. SANGER: Where did she tell you she was from?
A. I believe that she told me she was from South America. And that she did have children.
Q. Did she at any time while she was there -- well, let me withdraw that.
Let's establish how much time she was there. She got there about five o'clock; is that right?
A. Yes.
Q. How long was she there?
A. She was there for about an hour, maybe a little more. 10411

Q. Okay. And at your spa -- do you still own
that spa?
A. No. I sold it.
Q. You sold it. So can you tell us what it
looked like inside roughly? What was the physical
layout for the spa?
A. Well, you would walk in, and there was a
reception desk. And then to the left, there was two
treatment rooms. And to the right, there was some
stations for manicure patients.
Q. Were there telephones in this office?
A. Yes.
Q. And if a client -- do you call them clients
or --
A. Yes.
Q. If a client wanted to use the telephone, did
you allow people to use the phone?
A. Uh-huh.
Q. You have to say “yes” or “no” for the
reporter.
A. Yes.
Q. Okay. Thank you.
A. Okay.
Q. Did Janet at any time ask to use the
telephone?
A. No.
Q. Did she come by herself or was there
somebody with her? 10412

A. No, someone came, dropped her off.
Q. Did that person wait around?
A. No. They left her, and then came back and picked her up.
Q. Okay. Was there anybody with Janet during the course of time she was there?
A. No.
Q. And I know you answered this and I forgot the answer. She was there from 5:00 till about when?
A. She was there for about an hour.
Q. So from about 5:00 to about 6:00?
A. 6:00, uh-huh.
Q. During that time that she was there, was she free to leave?
A. Yes.
Q. Did it appear to you that she was restrained in her liberty in any way whatsoever?
A. No.
Q. Did she ask for help?
A. No.
Q. Did she say anything whatsoever that suggested that she was not enjoying her visit at Neverland?
A. No.
Q. Did she say anything or do anything whatsoever that suggested that she was being restrained in her liberty? 10413

A. No.
Q. Now, you said somebody dropped her off. Was it a man or a woman; do you recall?
A. It was a woman.
Q. Do you know the woman by name?
A. No.
Q. And that woman, you said, dropped her off and then came back later, correct?
A. Correct.
Q. So how long a period of time while Janet was there without anybody else there except you?
A. She was there at least an hour, a little bit more.
Q. Okay. And during that time, did you see anybody with a camera taking pictures of any of you?
A. No.
Q. Did you see a positive PR film crew come into your spa and film the hair removal from Janet's legs?
A. No.
Q. Is that something that would have stuck in your mind?
A. No, I have a private room.
Q. Did you see a positive PR film crew of any sort anywhere on that day in any way related to Janet?
A. No.
MR. SANGER: No further questions. 10414

MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. SANGER: Why don't I step out just to make sure. Oh, here we go.
MR. MESEREAU: We're going to try again, Your Honor.
THE COURT: All right.
MR. MESEREAU: Defense will call Katie Bernerd.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk over here and raise your right hand.

KATHRYN BERNERD
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE COURT: You were right the first time. Take the other microphone.
THE WITNESS: This one?
My name is Katie, or actually Kathryn Bernerd. And it's spelled K-a-t-h-r-y-n, B-e-r-n-e-r-d. 10415

1 THE CLERK: Thank you.
2
3 DIRECT EXAMINATION
4 BY MR. MESEREAU:
5 Q. Good morning, Miss Bernerd.
6 A. Good morning.
7 Q. Miss Bernerd, which county do you live in?
8 A. I live in Nipomo now. Previously than, I
9 did before, so it would be San Luis Obispo.
10 Q. Okay. And did you ever live in Santa Maria?
11 A. I did.
12 Q. Okay. And when was that?
13 A. It was a year ago.
14 Q. Okay. And how long had you lived in Santa
15 Maria?
16 A. Many years.
17 Q. Okay. Are you familiar with a place called
18 Neverland Valley Ranch?
19 A. Yes, I am.
20 Q. How are you familiar with Neverland Valley
21 Ranch?
22 A. I worked there.
23 Q. How long did you work there?
24 A. I worked there for approximately three,
25 three and a half years.
26 Q. And do you know when you worked there, what
27 years?
28 A. It was from -- I want to say '01 to '04, I 10416

1 believe.
2 Q. And what were your responsibilities at
3 Neverland?
4 A. I was the administration -- I worked in
5 administration, so I was the assistant along with --
6 I did the HR and did the events, hosted the events,
7 different -- miscellaneous. If you work at
8 Neverland, you did pretty much everything.
9 Everybody was able to do different jobs.
10 Q. Okay. Now, where was your office at
11 Neverland?
12 A. It was in the administration building.
13 Q. Okay. Could you describe what the building
14 looks like?
15 A. It was a smaller building next to the fire
16 station.
17 Q. Okay. And where at Neverland is that
18 building?
19 A. It's up by where -- the mechanic's shop, and
20 if -- okay. If you knew where Neverland was, when
21 you pulled through the gates and before you went
22 around to the main house area and where the train
23 depot -- before you even get to that area, and you
24 would go -- if you would go up the hill, there is
25 also a building up that way, that is where the
26 administration building would be.
27 Q. So it's up on a hill next to the fire
28 station, correct? 10417

A. Right.
Q. Did you have an office there when you worked at Neverland?
A. Yes.
Q. You said you did HR work. Do you mean human resources?
A. Correct.
Q. Please explain what kind of work you did in the human resources area.
A. Meaning, you know, work comp claims. Anything that dealt with all the employees, along with anything that would just come in and out of the office for Neverland. Invoicing. Pretty much anything that would deal with office work.
Q. And how many people worked in the administration building when you were working there?
A. Me, and the office manager.
Q. And who was that?
A. Joe.
Q. Joe Marcus?
A. Correct.
Q. Anyone else work there with you?
A. No.
Q. Now, you said you worked on events at Neverland, right?
A. Correct.
Q. What did you do in that regard?
A. I would put them together. Arrange -- a lot 10418

of times I would be the contact person for the main people to call. I would then try to set the dates up with another person, see if it's available to set the event up, and then arrange for it to happen, start everything going, you know, get the supplies, what we needed for the day. And then when the day would come, get the schedule for the day, you know, how we would get it going. And then also host it, take the groups around.

Q. And who would tell you to plan an event, generally?

A. Well, me and Joe both would talk about it together.

Q. So -- but how would the idea of an event originate, if you know?

A. It would originate just by -- well, normally events would be -- every year we would do events for schools. Schools would call us. The normal -- like, local schools. Or there were -- Evvy would call us when she would have events from the L.A. areas that would be coming, would just call us, and that's how we would call, you know, and just try to get the dates available.

Q. Now, you said local schools would call and they would want to schedule something at Neverland?

A. Correct.

Q. Would this happen often?

A. Every year. 10419

Q. Okay. And what kind of events are we talking about?
A. They would -- it just depends. If they were doing -- every year, the school themselves, if they were wanting to for that class -- say that class that was graduating or something, they wanted to do one day for them, for the graduating class that did well and they wanted to bring them out. Say another school for good grades. It just would depend upon that school.
Q. So the school would want to bring students to Neverland for an event?
A. Correct.
Q. And you would help plan the event?
A. Correct.
Q. And you're talking about graduation-type ceremonies?
A. Not ceremonies.
Q. Parties?
A. Yes. A day of fun for the students.
Q. And was there a typical time of year when you would schedule these events or would they happen anytime during the year?
A. We would always schedule them at least when the days weren't rainy. They would always be sunny.
Q. Would they typically be at the end of the school year or did things go on during the school year as well? 10420

A. During the school year.
Q. Any other type of school events that you would get involved in yourself?
A. No, just the events.
Q. Now, you said you would help plan them, right?
A. Uh-huh.
Q. And you also said you hosted them?
A. Correct.
Q. What would you do to plan them?
MR. SNEDDON: I'm going to object as immaterial, irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you hosted these events, what were your responsibilities?
MR. SNEDDON: Same objection, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You said you planned events with the groups from Los Angeles, right?
MR. SNEDDON: Object. Same. Irrelevant and immaterial.
MR. MESEREAU: We need her responsibilities, Your Honor.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: You said you helped plan events from Los Angeles, correct?
A. (Nods head up and down.) 10421

Q. And what events are you referring to?
A. Well, in regards to events from L.A., it would be Evvy contacting us, and what would happen is she would give us a list of who would be coming, so she would start that process.
And pretty much from then on, we would just put the day together as in getting the materials, the food, the supplies we needed for the day, and then making sure everybody that we needed to work for the day to be there.
Q. And what events are you referring to? What kind of things did you plan with people from Los Angeles?
MR. SNEDDON: Object. Immaterial and irrelevant.
THE COURT: Overruled.
You may answer. You may answer.
THE WITNESS: It just would depend on -- let me see. Let me think of one. Say one that comes to mind, you know, because they have labels to them, "A Time For Kids" was -- you know, is one. That is what one event was called.
Q. BY MR. MESEREAU: So that was a group that came?
A. That was a group that came.
Q. And you would coordinate their visit?
A. Yes.
Q. And would you arrange for food and things of 10422

1 that sort?
2 A. Correct.
3 Q. Okay. And was this sort of a regular part
4 of your work at Neverland?
5 A. One part, yes.
6 Q. Okay. Now, you said you had an office in
7 the administration building, right?
8 A. Yes.
9 Q. Did you do other types of work at Neverland
10 besides what you just described?
11 A. Yes, I would help out also in the house once
12 in a while.
13 Q. And that's the main residence?
14 A. Correct.
15 Q. What would you do in the main residence as
16 part of your work?
17 A. Whenever they were -- the cleaning ladies
18 were a little shorthanded I would help them with
19 housekeeping.
20 Q. Okay. And what percentage of your work do
21 you think was involved in housekeeping, where you
22 would just help out?
23 A. Very small percentage.
24 Q. And what were your hours typically when you
25 worked at Neverland?
26 A. Always 40 hours, but I also had overtime
27 also.
28 Q. And when you worked in the main residence, 10423

who did you work with?
A. A lot of the times I would work with Maria, who is one of the head housekeeping -- housekeeping cleaners.
Q. Was that Maria Gomez?
A. Correct.
Q. Who else would you work with?
A. Let's see. Luz. And I can't recall everybody's name right now.
Q. Now, you mentioned you talked to Evvy, right?
A. Correct.
Q. Was that someone named Evvy?
A. Evvy, yes.
Q. And she would help you plan events; is that right?
A. That's mainly what I would talk to Evvy about, yes.
Q. And was it your understanding that Evvy was Michael Jackson's personal assistant? Right?
A. Yes.
Q. So she would call you from time to time and get you going on various planning, right?
A. Yes. Yes.
Q. All right. Now, if you helped out in the main residence, who would ask you to do that?
A. It would be Joe. If he would know they were shorthanded, he would -- and I had my work done in 10424

the office, he would see if I needed -- if I could go down and help.
Q. And he would simply ask you, you know, "We're shorthanded today. Would you come down and help out?"
A. Uh-huh.
Q. And you would just do that?
A. Yeah. Or sometimes the ladies would tell me, you know, if I had time, and then I would see if it was okay.
Q. And if you -- if you helped out in the main residence, what are the kinds of things that you would do?
A. Cleaning.
Q. Okay. Clean rooms?
A. Clean rooms. Uh-huh.
Q. And which rooms; do you remember?
A. I've cleaned guest rooms, the guest cottages. I've cleaned train depots. The main house. The theater.
Q. Okay. And are there any other activities that you were involved in as part of your work at Neverland that you haven't described?
A. Mainly those.
Q. Were you ever asked to transport people from time to time?
A. Yes.
Q. Okay. Please explain what you mean by that. 10425

A. Also, again, whenever some people just were shorthanded and, you know, people were busy doing other things, they would also ask me if I could run around or do other errands for other -- whatever reasons might be. And, yes, when I was asked to give rides to certain guests, take them off property from time to time.
Q. And who would typically ask you to do that?
A. It would either be Joe, the ranch manager, or sometimes it would be the person who was in charge of the house, whoever at that time would be in charge of the house.
THE COURT: Counsel?
MR. MESEREAU: Yes, Your Honor.
THE COURT: Take our morning break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10367 through 10426 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 16, 2005

8:30 A.M.

(PAGES 10428 THROUGH 10595)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10428

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

The Interpreter: Rose O'Neill

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
BERNERD, 10431-M Kathyrn (Continuing)
GOMEZ,
Maria 10458-M 10484-A
MERIDITH, Shane 10498-M 10526-A
SALCE,
Brian 10534-M 10542-A
BIRCHIM, Russell
Robert 10544-SA 10553-SN 10567-SA 10569-SN
10569-SA
(Further)
VIVANCO, Angel 10571-SA

THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Miss Bernerd, have you ever met somebody named Janet Arvizo?
A. Yes, I have.
Q. And when did you first meet her?
A. First time I met her was just passing by in the main house area.
Q. And you say "passing by." Now, what do you mean?
A. I was going to the main house just to pick up something, and she was in the garage area, and it was just a "hello" kind of thing.
Q. This is the garage area of the main house?
A. Correct.
Q. And is that attached to the main house?
A. It's attached -- yes.
Q. And what did you see her doing in the garage area of the main house?
A. She was just standing outside.
Q. Okay. Did she appear to be doing anything in particular?
A. No.
Q. Was she talking to anyone, to your knowledge?
A. No.
Q. Just standing there?
A. Yes. 10431

Q. In the garage area, what do you typically see?
A. You would just see the garage doors and the entrance then to the opening to the main area where you can go to the pool area or the arcade room or the main door to the main house.
Q. And did you say hello to her?
A. Back door, I mean.
I'm sorry, what was that?
Q. Did you say hello to her at that time?
A. Yes, I did.
Q. And that was the first time you had ever seen her?
A. Yes.
Q. Did she say hello to you?
A. Yes.
Q. Okay. But you saw her standing there not doing anything in particular?
A. Yes.
Q. And what time do you think it was?
A. It was mid-afternoon. I couldn't give you an approximate time. I don't actually recall. It was just afternoon.
Q. And you went into the main house after you saw Janet Arvizo?
A. Correct.
Q. Were you just doing some work in the main house that day? 10432

A. I believe I was just picking up something real quick.
Q. Did you ever see her again that day?
A. No.
Q. Okay. Do you recall ever talking to Janet Arvizo on any telephone?
A. Yes.
Q. And could you explain what you mean?
A. She used to call up several different times to -- while I was in the -- in my office requesting different things.
Q. Okay. Now, we're talking about sometime in February 2003, right?
A. Correct.
Q. Okay. And did she start to call you after you met her in the garage area?
A. Correct.
Q. Okay. And you introduced yourself by name to her?
A. Correct.
Q. Did you tell her what your position was at Neverland?
A. I didn't tell her what my position was. After we did introduce ourselves, she did ask what I did there, and then that's how she found out. She asked me and then I told her what I did.
Q. Sorry. Did you finish?
A. Yes. 10433

Q. Okay. I'm sorry I interrupted.
A. That's okay.
Q. After you met her in the garage area as you were on your way to the main house, she started to call you; is that correct?
MR. SNEDDON: Object; asked and answered.
THE WITNESS: What was that?
THE COURT: Just a moment. He's objecting.
THE WITNESS: Oh.
MR. SNEDDON: It's me.
THE COURT: Overruled.
You may answer. I'll have the question read back so you know.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Would she call you at your office in the administration building?
A. Correct.
Q. Was that the only phone you had while you worked at Neverland?
A. No. There was many phones, but for a direct number, because they were direct-connect lines, she would call me directly.
Q. And do you know how she got your direct line number?
A. Yes, there's main phone lists around Neverland. Every phone has a phone list as to which numbers connect you to which phone. 10434

Q. And would the guesthouses have that phone list?
A. Yes.
Q. Okay. So it was not difficult to find out how to get ahold of you, correct?
A. No.
Q. And is that phone list revised from time to time?
A. All the time.
Q. And who typically revises the phone list?
A. I do.
Q. And when you revised the phone list, what do you do?
A. I would just go into the computer and revise it and make copies again, and send it to the -- whoever's in charge of the main house and they would make sure it got around.
Q. And the phone list would have numbers for virtually everyone who worked at Neverland, right?
A. It would have -- the phone list actually had, for every phone, like, the numbers. Like it would be No. 21 for this phone would be whoever this phone, you know, it would connect you to.
Q. Okay.
A. So every phone to Neverland.
Q. So it was no secret how to call people who worked at Neverland if you were on the ranch, right?
A. Correct. 10435

Q. Okay. And how many phone lists do you think there were around Neverland showing you where to call someone if you wanted to?
A. There was at least approximately probably 20, if not more.
Q. Okay. And you are talking about phones in the theater and phones at the train station and phones all over, right?
A. Correct.
Q. And you would redo the phone list, and you would arrange to have someone insert it in all the phones at Neverland, right?
A. Correct.
Q. Do you recall approximately the first time Janet Arvizo called you after you met her?
A. If you're asking for a date, no.
Q. Approximately when? Would it be sometime in February of 2003, do you think?
A. Yes, February of 2003.
Q. Okay. And what did you talk about?
A. She had asked if I can get her --
MR. SNEDDON: I'm going to object to the statements as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever do anything for Janet in response to any request of hers?
A. Yes, I took her off property.
Q. Where did you take her? 10436

A. To a day spa.
Q. And where was that day spa?
A. It was located in Solvang.
Q. And why did you take Janet to a day spa?
A. She wanted to get some different things waxed and wanted to also get her hair done up and different things done to her hair.
Q. Did she make that request to you?
A. Yes, she did.
Q. Did she call you on the phone to make that request?
A. Yes, she did.
Q. And when she asked you to take her to a spa to do the things you described, what did you do in response?
A. I first told Joe about it, just to let him know that she's making this request, and to make sure if it was okay to set an appointment for -- like that, and got the okay, and went ahead and set the appointment up.
Q. Okay. And did you choose any particular date for that appointment?
A. She wanted it done right away.
Q. Okay.
A. Within the hour.
Q. Okay. And Joe gave you the approval, right?
A. Correct.
Q. You called the spa, right? 10437

A. Correct.
Q. How did you know which spa to call?
A. I just tried to find one real close by. It was one I had never -- I didn't even know we had one that close by, so I had looked at the phone book.
Q. Had anyone at Neverland ever made a request like that to you before?
A. Never.
Q. And was it your understanding that you were supposed to make the appointment and take Janet to the appointment?
A. I didn't know I was supposed to take her to the appointment.
Q. At some point in time, did you actually learn you were going to take her to the appointment?
A. Yes.
Q. Okay. How did you learn that?
A. After I set up the appointment.
Q. What happened?
A. I just got asked if I could take her.
Q. Okay. And who asked you that?
A. Actually, at the time the main house -- who was in charge of the main house, Jesus, asked me if I could take her.
Q. Okay. And did you take her?
A. Yes, I did.
Q. Now, did you transport her yourself?
A. Yes, I did. 10438

Q. Was anyone with you and Janet when you took her?
A. No.
Q. And what car did you take her in?
A. I took her in a van.
Q. And whose van was that?
A. It was Mr. Jackson's, one of his vehicles.
Q. Okay. And so it was just you and Janet in the van, right?
A. Correct.
Q. This is the appointment you had arranged, right?
A. Correct.
Q. And approximately what time of day do you think you took Janet to her appointment?
A. This was closer towards the evening. I want to say it was approximately around 4:00-ish. I could -- yeah.
Q. And when you took Janet to her appointment at the salon, did you have any understanding as to who was going to pay for it?
A. We were.
Q. How did you know that?
A. Because we always do with -- with any request from any guests. We just pay -- we do. We just pay for whatever the request might be.
Q. Did you ever discuss with Janet who was going to pay for the waxing treatment at the salon? 10439

A. No.
Q. Okay. Was it your understanding that she just assumed you'd pay for it?
A. Correct.
MR. SNEDDON: Object, Your Honor. Calls for a conclusion.
THE COURT: Sustained.
MR. SNEDDON: Move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Did you ever tell Janet, "Mr. Jackson's going to pay for your appointment"?
A. No.
Q. So there was no discussion about payment at all?
A. Never.
Q. Okay. And when you took her to the appointment at the salon, tell us what happened.
A. As we were driving?
Q. Sure.
A. As we were driving -- again, I really didn't know Janet too well except for the few phone conversations and the request that she had. We were driving along, and she started to tell me about --
MR. SNEDDON: I'm going to object to anything she says as hearsay.
MR. MESEREAU: Not for the truth, Your Honor.
MR. SNEDDON: What relevance does it have, 10440

then?
MR. MESEREAU: It impeaches.
THE COURT: Just a moment.
MR. SNEDDON: Well, that's just a basis --
THE COURT: Let's not start.
MR. SNEDDON: Relevance. Hearsay and
relevance.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: She started to talk about her
ex-husband, and about how she was trying to get away
from him. Going into detail about those type of --
how badly she had it; how well, you know, Michael
had been treating her; how he was so much of a
father figure to her kids; how he's helped them out
so -- you know, how he's helped them out. She just
pretty much was praising Michael and telling me also
just how -- how bad she had it off with her ex.
And I was just driving the whole -- you
know, the distance, because it's not too far from
the salon to Neverland. And the whole time, though,
I was thinking, "I don't know this lady and I can't
believe she's telling me this much into her
background of her story," because I wouldn't
normally tell anybody my kind of story. And --
MR. SNEDDON: Object to the narrative, Your
Honor.
THE COURT: Sustained. 10441

Q. BY MR. MESEREAU: How long was the drive to the salon?
A. It would be about a ten-minute drive.
Q. Okay. And did you drop her off at the salon?
A. I took her inside and talked to the front lady that I had talked to on the phone, and we talked about payment. And if I recall, I think I did pay then. And then -- and then they told me, “Okay, it will be about this long.” And I decided -- I still had more work to do, so I said, “I’ll come back for her,” and I left. And then after she had told me how long it would be, and I think it was maybe about 45 minutes she said to come back, and I came back.
Q. So after you dropped Janet Arvizo at the salon, did you go back to Neverland?
A. Yes, I did.
Q. Okay. And you resumed your duties at Neverland when you got back?
A. Correct.
Q. Okay. And at some point you decided to return to the salon to pick Janet Arvizo up, right?
A. Correct.
Q. Now, while Janet Arvizo was at the salon, did you speak to her at all on the phone?
A. No.
Q. Did you speak to anyone at the salon while 10442

you were back at Neverland?
A. No.
Q. Okay. So at some point you drive back to the salon to pick her up, right?
A. Correct.
Q. And you get to the salon, and what do you do next?
A. Go inside to get her, and then she wants to get her hair done. And I just talked with the lady at the -- you know, the front desk lady. And we tried to arrange for her to get her hair done. And the person who was going to do her hair, she didn't have anything available until the next morning, so then we walked through the back, because I guess the hair place is just right through the back of their area. The salon's right in front. And we spoke to her, and she was going to make a special trip in for the next morning, and we set it up for the next morning, and we were going to bring Janet back the next morning to get her hair done.
Q. Okay. Now, while you were driving Janet to the salon and while she was telling you about her personal life, did she ever complain that she was being held against her will at Neverland?
A. Never.
Q. During that drive to the salon, did Janet Arvizo ever say she and her family were being falsely imprisoned at Neverland? 10443

A. Never.
Q. During that drive to the salon, did she ever complain that Michael Jackson or anyone associated with him was doing anything bad to she or her family?
A. Never.
Q. Were you ever part of any effort to hold Janet Arvizo against her will?
A. No, I was not.
Q. Were you ever part of any conspiracy to falsely imprison the Arvizo family?
A. No, I was not.
Q. Were you ever part of any conspiracy to extort or threaten anyone in the Arvizo family?
A. No, I was not.
Q. Did anyone at Neverland ever ask you to hold the Arvizos against their will?
A. No. No one ever did.
Q. Anyone at Neverland ever ask you to extort the Arvizos or threaten them in any way?
A. No.
Q. Okay. Did you ever get the feeling, separate and apart from what she told you when you drove her to the salon, that she was being held captive?
A. Never.
Q. Now, when you drove Janet Arvizo to the salon, do you recall there being any public 10444

1 relations group following you with cameras?
2 A. No.
3 Q. When you brought Janet Arvizo into the
4 salon, do you recall seeing any public relations
5 crew following you?
6 A. None whatsoever.
7 Q. Did you see anybody with cameras following
8 you when you took Janet Arvizo to the salon?
9 A. No, I did not.
10 Q. When you went to pick up Janet Arvizo, after
11 she'd completed her appointment, did you go into the
12 salon?
13 A. After I had picked her up?
14 Q. No, excuse me. When you went -- I didn't
15 rephrase it. Excuse me, I didn't phrase it very
16 well. Let me withdraw the question.
17 When you returned to the salon to pick up
18 Ms. Arvizo, did you park the van?
19 A. Yes, I did.
20 Q. And did you get out of it?
21 A. Yes.
22 Q. Did you go into the salon?
23 A. Yes, I did.
24 Q. What did you do when you got in the salon?
25 A. That's when we went to the back area to try
26 and schedule the appointment for her hair.
27 Q. Okay. Was Janet with you when you went into
28 the back area? 10445

A. Yes.
Q. Was she with you when you tried to schedule another appointment?
A. Yes.
Q. Did she ever complain that she was being held against her will at the salon?
A. No.
Q. Okay. Did she ever complain that her children were being held against their will at any time?
A. No.
Q. Okay. And because she wanted a hair appointment, you scheduled one, right?
A. Correct.
Q. Okay. After you scheduled the hair appointment, what did you do next?
A. We just drove back to Neverland.
Q. And you recall paying for the salon appointment, right?
A. Yes.
Q. On the way back to Neverland, did you and Janet chat?
A. I'm sure it was small chitchat.
Q. Was anyone else in the van with you?
A. No, it was still -- we were alone.
Q. On the way back, did she ever complain about anything Mr. Jackson had ever done?
A. No. 10446

Q. On the way back, did she ever complain about anything that was going on at Neverland?
A. No.
Q. Now, you said that Janet called you from time to time at Neverland, right?
A. Uh-huh. Yes.
Q. And on -- obviously on one of the occasions she asked for the opportunity to go to the salon, right?
A. Correct.
Q. Do you recall her calling and asking you other things?
A. Yes.
Q. What else did she ask you to do?
A. She has asked for us to take her off property to go shopping for clothes for her and her children.
She's also asked me to set up an appointment with a dentist so she could get some braces removed from one of her sons.
Q. Okay. And did you set up that dental appointment?
A. Actually, I believe Joe Marcus did.
Q. Okay. And when she asked you to set up a dental appointment, was there any discussion about who would pay for the appointment?
A. No, there was not.
Q. Was it your assumption that Mr. Jackson 10447

would pay for it?
A. Correct.
Q. Okay. And did you have anything to do with that dental appointment other than what you've just described?
A. No. That was it.
Q. Okay. Now, you said she called up and asked you to take she and her family out to buy clothes?
A. Correct.
Q. And do you remember what she said?
A. Just --
MR. SNEDDON: Object. Hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, she said that she had lost her suitcases and didn't have any clothes at all, and needed to get some clothes.
And at the time, Chris Carter was in the office when I was taking the call, and was standing there, and he said that he had just taken them to get clothes and some shoes, and he didn't understand why she was calling asking for those things.
Q. BY MR. MESEREAU: So your understanding --
MR. SNEDDON: I'm going to object to the second hearsay statement.
THE COURT: It's stricken.
The jury is admonished to disregard the statement by Chris Carter. 10448

Q. BY MR. MESEREAU: Was it your understanding that this was not the first time she had called and made a request to go shopping for clothes?
A. Yes.
Q. Did you arrange for Janet Arvizo to go shopping for clothes?
A. No.
Q. Why didn't you do that?
MR. SNEDDON: Object. Immaterial.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many phone calls do you think you had with Janet Arvizo while she was at Neverland?
A. Maybe four or five.
Q. In any of those conversations, did she ever complain that she was being held against her will?
A. No, she did not.
Q. Did you ever get the impression in any of those conversations that Janet was scared of anything?
A. Never once.
Q. Did you ever get the impression that she was trying to hide anything when she spoke to you on the phone?
A. No.
Q. Were those phone calls all initiated by Janet or would you call her as well?
A. No, they were initiated by Janet. 10449

Q. And did you know where she was calling from
when she made those calls?
A. No. I don't have that capability of knowing
where she's at.
Q. Okay. Did Janet explain to you why she
wanted a dental appointment?
A. Yes.
Q. What did she say?
MR. SNEDDON: I'm going to object.
Excuse me. Are you finished with the
question?
MR. MESEREAU: Yes.
MR. SNEDDON: Object. Hearsay.
MR. MESEREAU: State of mind, Your Honor.
And not for the truth.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: She stated that she was being
hassled by the dentist who put the braces on, and
couldn't afford to pay for them. And she wanted to
send the braces back in an envelope to the dentist.
Q. BY MR. MESEREAU: And did you relay that
information to Mr. Marcus?
A. Yes, I did.
Q. Okay. Did you ever see Mr. Jackson interact
with Janet at Neverland?
A. No, I did not.
Q. Did you ever see -- excuse me. Did you ever 10450

meet any of Miss Arvizo's children at Neverland?
A. Just passing by.
Q. Okay.
A. Like how I did with her outside in the garage areas.
Q. And where was this --
A. Also --
Q. -- at Neverland?
A. Also -- when I met them, it was also in the garage areas.
Q. Okay.
A. When they were just standing around.
Q. Were the children with Janet or without Janet?
A. One time they were with Janet. And then one time I believe they were just getting ready to get on some quads or something.
Q. Okay.
A. Or go-carts.
Q. At the time you saw them with Janet, approximately what time of day was that?
A. Again, in the afternoon. It could have been one, two, three o'clock.
Q. And approximately where at Neverland did you see Janet and her children together?
A. In the front -- in the main house area, in the pool -- in the garage/pool area.
Q. So roughly were you had seen Janet the first 10451

time, correct?
A. Correct.
Q. And what did she seem to be doing with her children?
A. She was just standing around with them. She wasn’t doing anything.
Q. What do you recall the children doing on that day?
A. Nothing. On the day that she was with them?
Q. Yes.
A. They were just standing around with her also at that time, at that moment.
Q. But there was no question in your mind they seemed to be together, right near -- Janet seemed to be together with her children?
A. Oh, yes.
Q. Near the main house, right?
A. Yes.
Q. Okay. Okay. So for how long did you observe them all on that particular day?
A. It wasn’t long at all. I was just passing by, so it was a few minutes.
Q. Now, were you going to the main house or away from the main residence?
A. To the main residence.
Q. Okay. Did Janet introduce you to her children?
A. No.

Q. Okay. You just said hello?
A. Uh-huh.
Q. Okay. Have you ever spoken to any of her children, other than what you described on that day?
A. No.
Q. All right. Did you ever see Janet inside the main house when you were helping out?
A. I believe I saw her one time in the kitchen area, but that would be it.
Q. And what do you recall seeing her doing?
A. Sitting at the kitchen bar.
Q. Okay. And the kitchen bar --
A. Stool.
Q. -- is like a counter where you can see into the kitchen, right?
A. Correct.
Q. And that's a counter which has wooden seats attached to it, right?
A. Correct.
Q. And you typically have plates with homemade buns on the counter every day, right?
A. Correct.
Q. And people will sometimes order food and it will be prepared right in front of them in that kitchen area, correct?
A. That's correct.
Q. And are you saying you remember seeing Janet sitting there? 10453

A. Yes.
Q. Okay. Did you see her eating anything?
A. I don't recall.
Q. Was she talking to anyone, if you recall?
A. I don't believe so.
Q. Were her children with her on that occasion?
A. No.
Q. Okay. Any other time you remember seeing the Arvizo children doing anything at Neverland?
A. No. A lot of the times I was in the office working, so they were always running around playing.
Q. And you'd see them playing?
A. No. We would just -- I would know -- we would know a lot of times if they had requests to take the quads out, because then we'd have to call security to pull them out or the mechanics to pull them out. So a lot of times I would just know when those kind of things -- you know, if the kids were out running around on those.
Q. So part of your job would be to arrange for the children to drive the quads?
A. Or just to let the security or somebody know to pull them out or put them away.
Q. And typically when this request was made, who would make the request?
A. The kids would ask somebody around the house area, and then they would call one of us in the office. Just depends on whoever was around to ask, 10454

and then they would call us.
Q. And if you got a request to arrange for the children to drive quads, what would you do?
A. Well, we always need the okay and the authorization from Joe, so he would be the one to go to next.
Q. And was any such request ever turned down; do you know?
A. I don't believe so, no.
Q. Okay. And how many times do you think you were involved in a request to provide quads for the Arvizo children?
A. Maybe just a couple times.
Q. Okay. Did you ever see them actually driving around?
A. It's possible.
Q. Not sure?
A. I'm not sure. A lot of times people wear helmets, you know, or we make sure everybody does wear helmets. So I couldn't tell you underneath the helmets who was who.
Q. Have you seen other children drive quads?
A. Yes.
Q. Have you been involved in arranging for other children to drive quads?
A. Yes.
Q. What do you have to do to make that arrangement? 10455

A. Just get the authorization through Joe, and then just make sure that they're available and working and ready.
Q. Would you then contact the children who wanted to drive quads and let them know that they were available?
A. No.
Q. What would happen next as far as their being able to drive a quad?
A. If I was involved with that actually, I would just let security know, and security would come and take over from there after I found out -- or had the authorization. They would get them available and then find the kids or let them know where they are. And I don't know from then on what they did.
Q. Now, you said your work was mostly at the administration building up on a hill, right?
A. Uh-huh.
Q. And the main house, when you helped out --
A. Uh-huh.
Q. -- right?
And did you ever work at the theater?
A. On events, yes.
Q. What events are you talking about?
A. When -- when I wasn't hosting events, and, say, if we had weekend events and they needed help, I would -- like, working behind the theater, the 10456

snack bar. I would work inside the theater, like
handing out candy or popcorn, those kind of things.
Q. Would you hand out candy and popcorn to
children?
A. Yes.
Q. Okay. They were children who were there for
specific events?
A. Yes.
Q. Do you recall seeing the Arvizo kids in the
theater?
A. No, I don't believe so. I don't think I've
ever -- not for an event.
Q. Do you think you've seen the Arvizo children
anywhere else at Neverland during the time that you
worked?
A. No.
MR. MESEREAU: No further questions, Your
Honor.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may
step down.
Call your next witness.
MR. MESEREAU: Defense will call Ms. Maria
Gomez.
THE COURT: When you get to the witness
stand, please remain standing.
Face the clerk here. Raise your right hand.
// 10457

MARIA GOMEZ
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Maria Gomez.
THE CLERK: Will you please spell that?
THE INTERPRETER: The interpreter will spell.
M-a-r-i-a; G-o-m-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Miss Gomez.
Miss Gomez, do you know the fellow seated at counsel table to my right?
A. Yes.
Q. Who is he?
A. He is my boss. I work for him.
Q. What is his name?
A. Michael Jackson.
Q. And how long have you worked for Michael Jackson?
A. I have worked for him ten and a half years.
Q. And have you worked for him at Neverland?
A. Yes. 10458

Q. And what kind of work have you done at Neverland?
A. (In English) The housekeeping.
Q. Okay. And as a housekeeper, what are your responsibilities?
A. Cleaning. Cleaning the house. To serve.
Q. And is all of your work in the main house?
A. No. In other areas as well.
Q. And what other areas do you work at?
A. The units. The theater. The train depot.
Q. And when you say “the units,” do you mean the guest units?
A. Yes.
Q. And as part of your responsibilities, do you and others clean the guest units?
A. Yes.
Q. Now, is there a particular time of day that you usually clean the guest units?
A. Yes. We always clean them when the guests go out to lunch.
Q. So do you typically clean the guest units around midday?
A. Yes.
Q. And when the guests go to lunch, where do they typically go?
A. To the kitchen.
Q. And is that the kitchen in the main house?
A. Yes. 10459

Q. And so you will watch to see when the guests go to the main house and then go to clean the guest units?
A. Usually, yes.
Q. And how long does it typically take to clean a guest unit while the guests are having lunch in the main house?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
THE WITNESS: About an hour.
Q. BY MR. MESEREAU: Okay. Now, if the guests don’t leave for lunch and stay in the unit, what do you do about cleaning the unit?
A. We ask. We call them on the phone and ask if they would like service.
Q. So you try and schedule an appropriate time with the guest?
A. Yes.
Q. Okay. Now, in the main house, what areas do you typically clean?
A. The whole house. Well, not his room.
Q. What areas, do you think?
A. The upper floor of the house, the library. All the areas except for his room.
Q. Would you be responsible for cleaning the wine cellar area?
A. Yes.
Q. And let me direct your attention to the year 10460

1 of 2003, okay? And I'd like to talk about January,
2 February, March of 2003. Okay. Were your duties
3 the same as you've just described?
4 A. Yes.
5 Q. And were you cleaning the wine cellar then?
6 A. Yes.
7 Q. Were you cleaning the guest units then?
8 A. Yes.
9 Q. Okay. Do you recall ever meeting someone
10 named Janet Arvizo?
11 A. Yes.
12 Q. And when do you recall first meeting Janet
13 Arvizo?
14 A. I cannot recall.
15 Q. Do you recall seeing them in 2003?
16 A. Yes.
17 Q. And do you recall seeing them in the time
18 period of, say, January, February, March 2003,
19 roughly?
20 A. Yes.
21 Q. Okay. Did you ever see Janet Arvizo's
22 children at Neverland?
23 A. Yes.
24 Q. And what were their names, if you remember?
25 A. Davellin, Star and Gavin.
26 Q. And do you recall the Arvizo family staying
27 at the ranch?
28 A. Yes. 10461

Q. Would you see them often?
A. Yes, all the time.
Q. Did you see Janet Arvizo all the time?
A. Yes.
Q. And where would you often see Janet Arvizo?
A. Sometimes I saw her in her room, because I cleaned when she was inside the room. And other times, most of the time in the kitchen.
Q. What would you -- excuse me, let me rephrase that.
What did you see Janet Arvizo doing in the kitchen?
A. Well, not exactly in the kitchen, but at the counter.
Q. And what would you see her doing at the counter?
A. When she would go for meals, she would spend a lot of time there, because there was a machine where they can play games there.
Q. Did you see Janet with her children in that area of the house?
A. Yes, many times.
Q. Would you see them all playing games?
A. Yes.
Q. Was there a particular time of day where you would see them playing games in the kitchen area?
A. Well, at lunchtime or mealtimes.
Q. Did you see Janet in the main house at other 10462

1 times?
2 A. Yes.
3 Q. And how often do you remember seeing Janet
4 in the main house at times other than lunch?
5 A. Well, usually they would go and spend time
6 there at the sitting room.
7 Q. And what is the sitting room?
8 A. It's an area next to the kitchen.
9 Q. And what do you see in the sitting room?
10 A. How is that?
11 Q. Well, is there a television in the sitting
12 room?
13 A. Yes.
14 Q. Is it a big television?
15 A. Yes.
16 Q. And would you see Janet and the kids
17 watching television in the sitting room?
18 A. Yes.
19 Q. And you have couches near the T.V., right?
20 A. Yes.
21 Q. Would you see them there at all times of
22 day?
23 A. Many times they would spend a lot of hours
24 there.
25 Q. Now, what hours did you work during the
26 first three months of 2003?
27 A. Well, we're always rotating. Usually my
28 schedule, I would go at 9:00, 8:00. Then sometimes 10463

I would leave at 4:30. But when I had the afternoon shift, actually I would stay until we locked up the house.
Q. And what time would you lock up the house when you did the afternoon shift?
A. 9:00 or 10:00 in the evening.
Q. Did you sometimes see Janet Arvizo in the house in the evening?
A. Yes.
Q. Would you see Janet with her children in the house in the evening?
A. Yes, after supper.
Q. Did you see Janet and her children have dinner in the main house often?
A. Yes, but at that time she spent a lot of time in her room.
Q. And would you visit her in her room?
A. Only the times that I would go and clean when she could request it.
Q. Did you ever see Janet watching television in the main house in the evening?
A. I cannot recall exactly, but it was normal to see them spend a lot of time in that area.
Q. And that's in the main house, right?
A. Yes.
Q. Now, in Janet's guest quarters, did you have a television also?
A. Yes. 10464

Q. And did you see her children in the guest quarters ever?
A. Yes.
Q. How many times do you think you saw Janet's children in the guest quarters at Neverland?
A. I would not be able to say how many times. But when we would go and clean, they would be there for a short while and then they would go out and then come back in.
Q. Now, during the first three months of 2003, how many guest units do you remember the Arvizos having at Neverland?
A. Three.
Q. And whose rooms -- excuse me, let me rephrase that. Who was staying in those three units?
A. The lady in No. 4. Gavin in No. 3. And Star and Davellin in No. 2.
Q. And did you often clean those three units?
A. Sometimes I would do one or sometimes another. But not very often, not every day would I clean all three.
Q. Okay. Do you recall seeing the children in their units from time to time?
A. As I said, they came and went.
Q. Okay. Do you recall cleaning the children's units?
A. Yes. 10465

Q. Did you do that often?
A. Sometimes.
Q. And did those units need cleaning?
A. Oh, yes.
Q. And what do you mean by that?
A. Those children were tremendous. They usually would bring a lot of things from the theater, lots of candy. And they would make a big mess. Something -- it was almost as if they would want to waste whatever.
Q. Was it hard cleaning their rooms?
A. Yes.
Q. Why was that?
A. They would leave them -- well, I don't think that guests staying for one night would make such a filthy mess in one day.
Q. Did they make a mess often?
A. Yes.
Q. Was there any question -- excuse me, let me rephrase that.
They clearly were using those rooms, weren't they?
MR. AUCHINCLOSS: Objection. Calls for a conclusion; ambiguous.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Now, you said you would clean Janet's room, right? 10466

A. Yes.
Q. Was her room a little easier to clean than the kids?
A. It was easier, yes, of course.
Q. Okay. She didn't mess her room up the way those children did, right?
A. No.
Q. Did the children mess up their beds?
A. Oh, yes.
Q. And what do you mean by that?
A. Well, when one -- well, I don't know if they -- if they were very wild when they slept, but the sheets and the blankets were -- they were all -- they had been taken out of the bed.
Q. Did that happen often?
A. Many times. They would always make a mess. And the beds --
Q. Did you see Janet at any other locations on the property from time to time?
A. Well, when she would spend a lot of time there in her room, I happened to mention to her why she didn't go out and take a walk. Because to me, it seemed that she spent a lot of time there. And that would be when sometimes -- well, very few times.
MR. AUCHINCLOSS: I'll object as nonresponsive.
THE COURT: Sustained. 10467

Q. BY MR. MESEREAU: Did you ever see Michael Jackson with Janet Arvizo at Neverland?
A. Yes.
Q. And what do you recall seeing Michael Jackson and Janet Arvizo doing?
A. Talking or eating dinner.
Q. Would Michael Jackson eat dinner with Janet Arvizo?
A. Not all the time, but sometimes.
Q. Would you see Michael Jackson and Janet having dinner without the children?
A. But you are asking about those -- that time, January?
Q. January, February, March 2003, approximately.
A. Oh, no. She spent a lot of time in her room.
Q. And did you see her with Michael Jackson at all?
MR. AUCHINCLOSS: I'll object. Vague as to time.
THE COURT: Sustained.
Q. MR. MESEREAU: During the approximate period of January, February, March of 2003, do you recall seeing Michael Jackson with Janet Arvizo at Neverland?
A. I would not be able to say. I can't recall.
Q. Do you recall seeing Janet Arvizo with her 10468

children at Neverland outside of the main house?
MR. AUCHINCLOSS: I'll object. Vague as to
time.
THE WITNESS: Yes.
MR. MESEREAU: I'll rephrase it, Your Honor.
Q. During the approximate period of January,
February and March of 2003, do you recall seeing
Janet Arvizo with her children at Neverland outside
of the house?
A. Yes.
Q. And where did you see them?
A. Around the units area.
Q. What did you see them doing?
A. Just talking.
Q. Did you ever see the children playing at
Neverland during that time period?
A. Yes.
Q. And what did you see them doing?
A. They used the motorcycles, the skateboards.
There are bikes, bikes that they use around the
house.
Q. Would you see Janet Arvizo with her children
when they were playing?
A. No.
Q. And in your work, do you go all over the
property?
A. Yes.
Q. Did you see the children at other locations 10469

on the property?
A. At the theater.
Q. And what did you see them doing at the theater?
A. Well, when there are films, they would watch the films, or they would spend time at the counter eating ice cream.
Q. Now, is that the counter in the theater?
A. Yes.
Q. And is there a place to sit there?
A. There is no sitting area.
Q. Do you sort of lean against the counter and order what you want?
A. Yes, or they could serve themselves.
Q. Okay. And that's where you get ice cream and popcorn, right?
A. Yes.
Q. And you can get candy there as well?
A. Yes.
Q. And you would see them when you were cleaning the theater?
A. Yes.
Q. Did you ever see the children, Star, Gavin, Davellin, interacting with other guests at the ranch?
A. Yes.
Q. And what do you mean by that?
A. Well, at that time I was trying to recall 10470

who was there at that particular time.
No.
Q. You don't recall seeing the Arvizo children playing with other children at Neverland?
A. At that time, I cannot recall.
Q. Do you recall seeing the children in the area where the rides are, the amusement rides?
A. We don't go -- usually don't go out to that area.
Q. Okay. Now, you said that in the main house, you used to clean the wine cellar area, right?
A. Yes.
Q. And what did you used to do there as part of your work?
A. That is not in the area that is usually cleaned. It's cleaned once in a while. It is not a place that is frequented. It's a place that is always locked and we really don't say we usually cleaned it. Only when it needed it.
Q. And who would decide when the wine cellar area needed cleaning?
A. At that time I would, or Jesus.
Q. And when you say clean the wine cellar area, what are you talking about? Please describe the -- that part of Neverland.
A. That place is used to store meals or food that the cooks use, for example, if they buy big amounts. There are some refrigerators that they 10471

1 use. And there's a sink right next to that, and if
2 they leave things out, sometimes they make a mess
3 right there. And -- or maybe they have a drink
4 there and then someone just leaves the glass behind.
5 But really, it's not that much that's something that
6 we would have to clean all the time.
7 Q. And where would the food be stored in the
8 wine cellar area?
9 A. Where the refrigerators are.
10 Q. Would the food be actually in the area where
11 you find wine?
12 A. Yes.
13 Q. And that's an area that's refrigerated,
14 right?
15 A. Yes.
16 Q. So would the cooks go into the wine cellar
17 to get food from time to time?
18 A. Yes.
19 Q. Do you know how often they would do that?
20 A. Not very often.
21 Q. And what kind of food was stored in the wine
22 cellar during the period of, say, January, February,
23 March of 2003?
24 A. They used refrigerators when they buy meats,
25 juices or extra milk. Those refrigerators are used
26 as storage.
27 Q. So the wine cellar itself is refrigerated,
28 right? 10472

A. Yes.
Q. And it gets very cold in there, right?
A. Yes.
Q. Now, when you would go in there to clean,
how would you get in?
A. There is a key that we had to go in there.
Q. And where would you get the key?
A. The key -- Jesus had the key, or Joe.
Q. And who would decide when you needed to go
clean the wine cellar area?
A. Well, if someone that had gone in there
became aware. But we did not go.
Q. Would you clean that area if it needed
cleaning?
A. Yes.
Q. And typically would you decide when to go
there or would someone tell you it needed cleaning?
A. Usually -- well, since the key was held by
only two people, we had to request the key.
Q. Okay. Do you recall the key hanging
anywhere in that area?
A. They had it on a key chain.
Q. Okay. But when you needed the key, did you
get the key yourself or did someone give it to you?
A. Someone would give it to me.
Q. Okay. Did you need permission to go into
that area or would you just go there when you
thought it was necessary? 10473

A. I would have to ask.
Q. Now, when food was being prepared for a large number of guests at Neverland, would there be a lot of activity in and out of the wine cellar area?
A. Yes.
Q. And would you see cooks, for example, going in and out of the wine cellar area?
A. Yes. Usually they were the ones who would have the key. If there was an event, they would have the key with them during the day in order to go in and out.
Q. Was it only the cooks you would see going in and out, or would you see other people?
A. Just the cooks.
Q. And was it your understanding that anytime the cooks needed to go into the wine cellar, they could get in?
A. Yes, but they would also have to request the key.
Q. In the kitchen area, you also have refrigerated areas, right?
A. Yes.
Q. And they're not locked, right?
A. No.
Q. And there is alcohol -- excuse me. Alcoholic beverages are contained in those areas as well, right? 10474

A. Yes.
Q. And anybody can open the refrigerator and get those alcoholic beverages, right?
A. Yes.
Q. And those refrigerated areas have see-through glass, right?
A. Yes.
Q. You can see what's in that refrigerated area before you open it to get something?
A. Yes.
Q. And you can see things like beer and wine in that area, right?
A. Yes.
Q. Okay. Do you recall a key chain to the wine cellar hanging on a wall in the maids' room?
A. Well, before, a long time before, that key was used.
Q. Okay. Now, after a large number of guests would be served dinner, would it be normal for you to have to clean in the wine cellar area?
A. No.
Q. So you just did it when somebody requested it pretty much?
A. Yes.
Q. Would you clean -- excuse me, let me rephrase that.
When you would clean in the wine cellar area, would you also clean the area that's next to 10475

1 the wine cellar?
2 A. What area?
3 Q. The area that's right up to the wine cellar
4 door.
5 A. The arcade?
6 Q. Yes.
7 A. Yes.
8 Q. Did you clean that area as well?
9 A. We would clean the counter. And the bath
10 rooms.
11 Q. Okay. Do you remember ever seeing any of
12 the Arvizo children in the wine cellar area?
13 A. No.
14 Q. Do you remember ever seeing Janet Arvizo in
15 the wine cellar area?
16 A. No.
17 Q. Do you remember ever seeing Gavin Arvizo
18 drinking any alcoholic beverage?
19 A. I never saw.
20 Q. Do you remember ever seeing Gavin Arvizo
21 look like he was intoxicated?
22 A. No.
23 Q. Do you remember ever seeing Star Arvizo
24 drinking any alcoholic beverage?
25 A. I never saw.
26 Q. Do you remember ever seeing Star Arvizo look
27 like he was intoxicated?
28 A. No. 10476

Q. Do you remember ever seeing Davellin Arvizo drinking an alcoholic beverage?
A. No.
Q. And do you remember ever seeing Davellin Arvizo look like she was intoxicated?
A. No.
Q. Did you ever see Michael Jackson with any of the Arvizo children drinking alcohol?
A. No.
Q. Do you recall Janet Arvizo ever complaining about Michael Jackson?
A. No.
Q. Do you recall Janet Arvizo ever saying nice things about Michael Jackson?
A. Yes.
Q. And what did she say?
MR. AUCHINCLOSS: Object. Hearsay.
MR. MESEREAU: Not for the truth.
THE COURT: The objection's overruled.
THE WITNESS: That he was like a father.
Q. BY MR. MESEREAU: And when did you -- excuse me, let me rephrase that.
When do you recall hearing Janet Arvizo say that?
A. At that time.
Q. And did she start the conversation with you?
A. Yes.
Q. And where did this conversation take place, 10477

if you remember?
A. I was in Gavin's room, Unit 3. I was doing the room, and she came in to either find him or get something from the room. And she began to speak to say that Michael Jackson was like a father to her children, and that she wanted them to call him "Dad."
Q. How long did that conversation last?
A. Oh, it was just a short while.
Q. Did Janet Arvizo ever talk to you about her son's illness?
A. Yes.
Q. And what did she say?
A. Well, even though she spoke Spanish, she mentioned her child, her son's illness. On that occasion, she mentioned the illness and how he was improving. But she was speaking in English, so I couldn't really understand her exactly, what she was saying about the illness that her son had.
Q. Did Janet Arvizo ever say that Michael Jackson had helped her son with his illness?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet Arvizo ever mention Michael Jackson when she was telling you about her son's illness?
A. How is that?
Q. Well, did she ever say anything about 10478

Michael Jackson helping her family with the son's illness?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. That he had been a blessing to them; and that he was the type of person -- he was like a father to her children.
Q. BY MR. MESEREAU: Did you ever hear Janet Arvizo complain about Michael Jackson at any time?
A. No.
Q. Did Janet Arvizo ever tell you she was being held against her will at Neverland?
A. After that conversation, about a week later, she began to talk about being there against her will.
Q. And what did she say?
A. That we should help her leave.
Q. Did she ever mention someone named Dieter Weizner?
A. On that occasion she said that three persons, including that person Dieter, they were holding her there.
Q. And did she say anything about they're interfering with her relationship with Michael Jackson?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled. 10479

You may answer.
THE WITNESS: That they were interfering
with her relationship with him, yes.
Q. BY MR. MESEREAU: And approximately when did
she say that Dieter Weizner and others were
interfering with her relationship with Michael
Jackson?
A. That happened almost at the time that they
left.
Q. Did she ever mention someone named Frank
Cascio?
A. Yes.
Q. And did she say he was interfering with
Janet's relationship with Michael Jackson?
A. Yes.
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer -- the answer's "Yes." Next
question.
Q. BY MR. MESEREAU: Did she ever mention a
Vinnie Amen?
THE INTERPRETER: I'm sorry, what was that?
Q. BY MR. MESEREAU: Did she ever mention
someone named Vinnie Amen?
A. Oh, Vinnie, yes.
Q. Did she complain about him as well?
A. Yes.
Q. Did she say anything about whether he was 10480

interfering with her friendship with Michael Jackson?
A. Yes.
Q. Okay. Now, you've mentioned Frank, Vinnie and Dieter. Did she say anyone else was interfering with her friendship with Michael Jackson that you recall?
A. No, just those three persons.
Q. Okay. At some point, do you recall Janet asking Jesus to take her home?
A. Yes.
Q. And were you with Janet and Jesus when you heard that?
A. Yes.
Q. And where were you?
A. In that -- on that occasion we were in Unit 4.
Q. Was Jesus there as well?
A. Yes.
Q. And did Janet say she wanted to leave Neverland?
A. Yes.
Q. And to your knowledge, did Jesus agree to arrange to let her leave?
A. Not at that moment when I was there.
Q. Did he do it at some point?
A. I believe so.
Q. And did he tell her he would arrange to have Frank or Vinnie take her home? 10481

MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. She wanted -- well, she did say that they were interfering.
Q. BY MR. MESEREAU: And to your knowledge, was she taken home at some point?
A. I don't know.
Q. Okay. Do you recall Janet telling you and Jesus that Frank and Vinnie were separating her from Michael Jackson?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
MR. MESEREAU: If I may take just one moment, Your Honor.
THE COURT: Yes.
Q. BY MR. MESEREAU: Do you recall -- excuse me.
Mrs. Gomez, do you recall seeing any adult magazines at Neverland?
A. Yes, on one occasion.
Q. And do you recall seeing any of those magazines with the Arvizo children?
A. Well, I'm pretty sure, yes, because in Unit 2 there was a backpack with those type of magazines.
Q. And who was staying in Unit 2?
A. Davellin and Star. 10482

Q. And what did you do when you saw those magazines in Unit 2?
A. I left them there.
Q. Did you tell anyone about that?
A. No.
Q. Did you find them when you were cleaning?
A. Yes. But I just saw them.
Q. Okay. And you saw them in a backpack?
A. Yes.
Q. Okay. Do you know who owned the backpack?
A. Well, I would suppose it was Star's.
Q. Okay. Do you remember seeing -- was the backpack open?
A. Yes.
Q. And do you recall seeing these magazines wrapped in a shirt?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you saw the magazines in the backpack, were they in full view?
A. The backpack was slightly open, and I saw those magazines.
Q. Did they appear to be wrapped inside of something?
A. No. That was another occasion. That was in his office.
MR. AUCHINCLOSS: Objection; nonresponsive.
THE COURT: How do you know? 10483

(Laughter.)
MR. AUCHINCLOSS: I took a guess.
THE COURT: I have to hear what she says.
I don't --
THE WITNESS: There were two magazines in the
lower cabinet under the sink.
Q. BY MR. MESEREAU: And this was in the office
area?
A. Yes, in the office.
Q. Okay. Did you ever see adult magazines just
laying around in the main house?
A. No.
MR. MESEREAU: No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Ms. Gomez.
A. Good morning.
Q. You have never cleaned Mr. Jackson's room,
did you?
A. No.
Q. In fact, over your nine years, you were only
allowed in Mr. Jackson's room three times; isn't
that true?
A. Yes, sometimes.
Q. And is that because Mr. Jackson only allowed
certain people in his room to clean it? 10484

A. Yes.
Q. As far as adult magazines go, there would be no place for children to get adult magazines at Neverland unless some adult gave them to them; isn't that true?
MR. MESEREAU: Objection. Foundation; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't know.
Q. BY MR. AUCHINCLOSS: Well, you said there's no magazines lying around. So for those kids to get adult magazines, someone would have to give them to them, right?
MR. MESEREAU: Objection; no foundation.
THE COURT: Overruled.
THE WITNESS: I don't know.
Q. BY MR. AUCHINCLOSS: As far as -- and you did testify that you have seen adult magazines in Mr. Jackson's office; is that correct?
A. Yes.
Q. And you've seen adult magazines in a bathroom? Is that another area?
A. No, no, no. In the office, underneath the sink, I saw two magazines. And then in the children's room, Davellin and Star.
Q. Okay. And that would be Mr. Jackson's office, the bathroom near Mr. Jackson's office, is 10485

that correct, where you saw those magazines?
A. Yes.
Q. Now, you've been an employee of Neverland
for nine years straight; is that correct?
A. Yes.
Q. And you value your job there?
A. Of course.
Q. Did you sign a confidentiality agreement
when you went to work at Neverland not to discuss
things off of -- when you leave the property?
A. Yes.
Q. And did you know that your phone calls can
be monitored at Neverland?
MR. MESEREAU: Objection. Foundation;
misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I had an idea that they were,
that the calls would be checked, yes.
Q. BY MR. AUCHINCLOSS: And do most employees
of Mr. Jackson know that their phone calls can be
monitored when they're at Neverland?
MR. MESEREAU: Objection; calls for
speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: Now, when you were 10486

interviewed at Neverland on November 18th, the day of the search warrant, do you remember that day?
A. Yes.
Q. You told the officer that the Arvizo children were polite and normal, true?
A. I said that, but I felt intimidated that day.
Q. Okay. And you said that the Arvizo children would make quite a mess in their room; isn't that correct?
A. Yes.
Q. And they'd eat a lot of candy?
A. Yes.
Q. Isn't it fair to say that most children who come and visit at Neverland eat a lot of candy?
A. But those children, they were even more special. They ate more than was normal.
Q. But most of the children at Neverland eat all the candy they want; isn't that right?
A. Yes.
Q. And do they act like children -- the children that eat candy, do they act differently? Do they act like they're full of sugar?
MR. MESEREAU: Objection; vague.
MR. AUCHINCLOSS: Maybe I'll ask the question a little differently. Ask for foundation.
Q. Have you ever noticed how children act when they've been eating a lot of sugar? 10487

A. Yes. But those children would get a lot of candy.
MR. AUCHINCLOSS: Object as nonresponsive.
MR. MESEREAU: Objection. He's cutting off the witness.
THE COURT: The objection is overruled. I'll strike the second part of the answer. The answer is, "Yes."
MR. AUCHINCLOSS: Okay.
Q. You said that their rooms would be messy, the Arvizo children's rooms would be messy?
A. Yes.
Q. The sheets would be off the bed, and the Arvizo children would play in those rooms during the daytime, wouldn't they?
A. They came and went, I would assume.
Q. Because you didn't stay there at night after, say, nine o'clock, did you?
A. Not in the rooms.
Q. Yes. And didn't you say you normally left Neverland around 9 p.m.?
A. Yes, 9:00 or 10:00.
Q. Okay. So you don't know where children would sleep at Neverland after that time, do you?
A. I would assume in their rooms. I don't know.
Q. But without assuming, you don't really know, do you? 10488

A. No, I don't know.
Q. Now, when you heard this remark about Frank and Dieter and Vinnie trying to interfere with Miss Arvizo's family and Mr. Jackson, was that conversation in English or in Spanish?
A. In English.
Q. And Miss Arvizo told you she liked Michael Jackson, true?
A. Yes.
Q. Did you ever hear any of the children refer to Michael Jackson as "Daddy" or "Dad" when Michael Jackson was there, any of the Arvizo children?
A. I did not hear that.
Q. Who were Vinnie -- who was Vinnie? Let's start with him. Do you know who Vinnie is?
A. Well, I only knew that he was Frank's friend.
Q. And who is Frank?
A. A friend of Mr. -- Mr. Jackson.
Q. Now, when the Arvizo children were there in February and March, they were there for almost a month; isn't that true?
A. Yes.
Q. Do you know why they were taken out of school to stay at Neverland for that period of time?
MR. MESEREAU: Objection; assumes facts not in evidence.
THE WITNESS: No. 10489

THE COURT: Overruled. The answer is, “No.”
Next question.
Q. BY MR. AUCHINCLOSS: And you also stated that Janet stayed in her room most of the time in February and March; is that correct?
A. Yes.
MR. AUCHINCLOSS: Thank you. No further questions.
MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may step down.
Let’s start our break early.
(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: I understand there’s an issue that needs to be heard.
Mr. Zonen?
MR. ZONEN: Yes, Your Honor.
THE COURT: Who is your next witness?
MR. SANGER: We have Mr. Vivanco, Your Honor.
THE COURT: It’s in regard to this witness?
MR. ZONEN: Yes, Your Honor.
THE COURT: Something you want to add? 10490

MR. SNEDDON: Ron?
MR. ZONEN: Your Honor, the brief that we filed dated May 11th --
THE BAILIFF: Can you turn your microphone on, please?
MR. ZONEN: The brief that we have filed dated May 11th, 2005, illustrates the points we believe are irrelevant to this proceeding. And we believe, under 352 and general rules of relevancy, that this witness ought not be allowed to engage in any of those questions or offer commentary on any of those facts.
MR. SANGER: We filed our brief showing the five areas of exceedingly relevant testimony that we believe this witness will testify to. And other than going on a question-by-question basis, if there's something that is -- there's no foundation for, or some other objection of that sort, I don't see any need for the Court to make a ruling in advance.
On the initial issue regarding the details of specific acts, we had conceded that long ago, so I don't think that is an issue before the Court. We had no intention of asking specifically about that after we filed a brief in response. And there was another brief listing a number of potential objections to what potentially might be done. And I believe there's a foundation for everything we 10491

intend to ask. I think it should be question by question.
THE COURT: I don't know what you intend to ask. Do you mean you filed something in response to the one where there's A through M?
MR. SANGER: No. We had filed --
THE COURT: I have seen the previous ones.
MR. SANGER: We filed the one with the five different categories.
THE COURT: Which date was that? I want to be sure I'm looking at the right one.
MR. SANGER: May 12th, I believe. Called "Response to Motion to Exclude," and specifically in that response we indicated that we believed that the real issue -- the issue that was raised initially was resolved. And so based on colloquy, we set forth the five basic reasons why this testimony is relevant to these proceedings.
THE COURT: Well --
MR. SANGER: And the District Attorney filed something I think a day later. We did not file another response because we felt we had responded.
THE COURT: Okay. Well, I agree with the District Attorney's brief that certain things are not relevant. And just on reading it, I believe that A through N are properly objected to.
MR. SANGER: A through M?
THE COURT: A through N. 10492

MR. SANGER: N.
THE COURT: But I didn't see any of your other materials that you intended to ask those questions, but I don't think they exclude you from covering the areas that you indicated that you were going to cover. But these are areas that are properly objected to, so I'll sustain their objections to those questions.
If you want to take a minute to go through them -- I assume you've already gone through them.
MR. SANGER: I have not only gone through them, but I left them back in my office, so I have everything but that.
THE COURT: Do you want to look at mine? I was afraid I had left something of yours in my office when you said there were five things, but now I see what they're referring to. They weren't numbered 1 to 5. They just happened to be five things. So if you want to look at those for just a minute so there's no confusion about what my ruling is.
MR. SANGER: From what Your Honor is saying, I take it Your Honor has ruled and you're not inviting any argument on this?
THE COURT: Well, you didn't have the paper in front of you. If there's something you want to address, I would certainly listen to you.
MR. SANGER: Well, in general, and that's -- 10493

I felt we had answered it, but maybe not. In general, all of these, as I'm looking at them here, with the exception of N and L -- and now I have the paper and you don't.
THE COURT: Right.
MR. SANGER: With the exception of L and N -- and I'll give it back to you.
So with the exception of "Lincoln" and "Nora," L and N, which we do not intend to ask L and N, the rest of them would be admissible, I think, for two reasons. One, for direct impeachment for both Davellin and Janet Arvizo, because they both testified absolutely to the contrary as to each one of those points.
And secondly, for the state of mind of both Davellin -- Davellin and Janet Arvizo, because they both testified that contrary to those points that were made, all the other points except L and N, that they were -- for instance, David was the bad guy. Much evidence was introduced by the prosecution on that. This flies in the face of it and it's an admission. But Davellin said she basically stayed in the room with her mother at all times, and yet she's out talking to people and talking to this particular witness and being very expressive about her upset with her mother.
Her mother portrays herself as being concerned about her children, and that her children 10494

are close to her. And instead, that the children are -- this particular daughter is calling the mother various names and making statements. I mean, that's a public record. I'm not repeating it unnecessarily. I mean, it's a totally different picture than the picture painted by the prosecution through the testimony of both Janet and Davellin. It also shows --

THE COURT: You can't impeach Janet's testimony with this, and a lot of this you didn't ask Davellin. So the only purpose for impeachment -- you know, you can't impeach Janet with what Davellin says.

MR. SANGER: I understand, Your Honor. It impeaches Davellin to the extent that she was saying her mother was sincere and in her room and was afraid that her -- some of the direct statements to the effect that all of these children, including Davellin, have made about their biological father. And it turns out she misses her father. She blames her mother for that. Those are direct contradictions to her testimony that she's given so far.

THE COURT: Well, I guess one of the problems I'm having is recalling which question you asked which of the children.

MR. SANGER: Let me remind the Court for a moment. Maybe this will help. 10495

Remember Mr. Mesereau did the questioning.
But Mr. Mesereau did the questioning of Davellin.
And in the course of that, he had asked her about
Carol Lamir, and Davellin immediately volunteered,
"Carol Lamir is a terrible person. She made me
clean her house." And then Janet testified to the
same thing.
Whereas this witness will say she is saying
she stayed with this friend. She wanted to get away
from her mother. That Davellin was asked by Mr.
Mesereau, "Did you tell Carol Lamir that you didn't
want to be with your mother?"
"No, I never said that. I didn't stay there
very long."
THE COURT: The only way you can impeach that
is to have Carol Lamir come and say that she said
that.
MR. SANGER: We will.
THE COURT: So what she tells or didn't tell
this person doesn't impeach that, because you didn't
ask her, "Did you tell this person that?" You're
trying to bootstrap yourself into something here.
MR. SANGER: Well, we're not impeaching her
statements about Carol Lamir. We're impeaching the
other statements that were made in the course of
that questioning by Mr. Mesereau to the effect of,
"Did you get along with your mother?" "Were you" --
"Did you try to get away from her?" 10496

1 And this shows that those answers -- Carol
2 Lamir was kind of the lead-in to that, but the
3 direct questions I believe were asked of Davellin by
4 Mr. Mesereau.
5 THE COURT: Well --
6 MR. SANGER: And she denied it.
7 THE COURT: See, if you'd responded to me in
8 this brief with the cites where those questions had
9 been asked, that would have been helpful.
10 MR. SANGER: All right.
11 THE COURT: It's not helpful to give me a
12 general statement that all of this rebuts something
13 that was said.
14 MR. SANGER: I understand, Your Honor.
15 THE COURT: And I think, you know, absent
16 you being able to show me those quotes that would
17 justify these questions, I'll stand by my ruling.
18 MR. SANGER: All right.
19 THE COURT: Let's bring in the jury.
20
21 (The following proceedings were held in
22 open court in the presence and hearing of the
23 jury:)
24
25 MR. SANGER: Your Honor, if we may, we'll
26 call a different witness so we have a chance to look
27 at this, if we might briefly.
28 THE COURT: Yes, that's fine. Respond to 10497

the specific items.
MR. SANGER: Okay. Thank you.
THE COURT: Go ahead.
MR. MESEREAU: Thank you, Your Honor. The defense will call Mr. Shane Meridith.
THE COURT: All right. Remain standing, please. Face the clerk here, and raise your right hand.

SHANE MERIDITH
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Shane Meridith. It's S-h-a-n-e. Last name is M-e-r-i-d-i-t-h.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Meridith.
A. How are you?
Q. Good, thanks.
Where is your home?
A. Santa Maria, California.
Q. And how long have you lived in Santa Maria?
A. About five years now. 10498

Q. Are you familiar with the fellow seated at counsel table to my right?
A. Yes, sir.
Q. Who is that?
A. Mr. Jackson.
Q. How do you know that?
A. I used to work for him.
Q. When did you work for Mr. Jackson?
A. From 2002 till 2003.
Q. And did you work at Neverland?
A. Yes, sir.
Q. And what was your job there?
A. I was a security officer.
Q. Were you a security officer for the whole time of your employment?
A. Yes, sir.
Q. Did you have any training in security work before you worked at Neverland?
A. No, not really.
Q. What was your work history, just in summary?
A. Prior to that, I was mostly in sales.
Q. Did you have any training in firefighting?
A. No, sir.
Q. Okay. Did you have any training to do your job in security at the ranch?
A. Yes, I did.
Q. What was it?
A. The training that we received from the 10499

ranch, which was from individuals that worked there.
Supervisors trained us on basic techniques, you know, as far as detaining people or interrogating people, things like that.
Q. Who did the training program for you?
A. Mine was a supervisor -- or two supervisors, Julio Magana and Curtis Gordon.
Q. And what did you do at Neverland as a security officer?
A. Basically view day-to-day activities, answer phones, maintained the security of the ranch itself. Make sure that, you know, everybody that was there was supposed to be there, and people that weren't supposed to be there weren't allowed to come on. Things like that.
Q. What kind of shift did you work typically?
A. Typically my shift was 6 p.m. to 6 a.m.
Q. And was that your shift during the entire period of employment at Neverland?
A. Roughly. Some of them would vary. I think Sundays I would work a day shift, which was 6 a.m. to 6 p.m.
Q. Did you ever meet someone named Janet Arvizo?
A. Yes, sir, I did.
Q. When did you first meet her?
A. It must have been -- well, it was in 2002. It was probably February, maybe March of 2002. 10500

Q. Would it be 2003, do you think?
A. Maybe around Christmastime of 2002.
Q. Okay. That's when you first met her?
A. Yeah, I believe so.
Q. And where did you meet her?
A. On the property.
Q. Okay.
A. She was actually -- when they were coming onto the property, I met her at the front gate.
Q. Okay. Did you ever see her on the property while you were working there?
A. Yes, sir, I did.
Q. And how many times do you think you saw Janet Arvizo at Neverland when you were working at Neverland?
Possibly five times. Five or six times.
Q. What did you see her doing?
A. Mostly just walking around the property. Either from the bungalow areas to the house itself or just, you know, hanging around by the front of the house where our security station was.
Q. Would you talk to her from time to time?
A. I think I had one conversation with her.
Q. Okay. Okay. And where did that conversation take place?
A. That took place in front of the security office close to the main house.
Q. All right. Did you see her in any other 10501

location other than near the main house, that you recall?
A. No.
Q. Okay.
A. Not that I recall.
Q. Did you ever meet her kids?
A. Yes, I did.
Q. And when did you meet her children?
A. Roughly the same time.
Q. Okay. And they were Gavin, Star, and Davellin, right?
A. Correct.
Q. Where did you see them?
A. You'd see them all over the ranch. They used to come up to the front security office sometimes riding bicycles. I'd see them at the theater. I'd actually take them from the house, from the main house, up to the theater periodically, as I did, you know, many guests. But all throughout the ranch.
Q. Would you talk to them from time to time?
A. Yes, I would.
Q. And why would you talk to them?
A. Just speaking to -- like I said, to all guests. Just basic conversation, "How you doing?" Things of that nature. "Can I get anything for you?" You know, stuff like that. Stuff of that nature. 10502

Q. Did you ever see Michael Jackson with Janet Arvizo?
A. No, I don’t believe so.
Q. Did you ever see Michael Jackson with her children?
A. Yes.
Q. And what do you recall seeing?
A. Just them walking around the house area or going up to the theater to view a movie.
Q. Did you ever see Michael Jackson do anything you thought was inappropriate with those children?
A. No, sir.
Q. Now, you say you saw Michael Jackson and the children walking up to the theater?
A. Yeah, they were -- once they were walking, and also I remember taking them up in a van, as well.
Q. And what was the purpose in going to the theater, if you knew?
A. To view a movie. They were watching a movie. I’m not sure -- it was a new release of some kind.
Q. Did the kids seem to do that very often?
A. They used to go up to the theater quite often. Not necessarily to view movies, but just to go up there. There was candy and various other things for them to go up there and have.
Q. Now, if Gavin, Star and Davellin went to the 10503

theater, how would they arrange to have a movie shown; do you know?
A. They would usually -- somebody from the house would usually contact one of us and we would either contact the projectionist, or they would either contact, you know, a security officer that was directly in their sight, and then we would contact a projectionist and have them come up to put the movie on.
Q. Would that happen any time of day?
A. Yes. If there was a projectionist on property, that could happen any time of day, night, whatever.
Q. Do you recall seeing the Arvizo children at the theater in the evening?
A. Yes.
Q. How many times do you think you saw the Arvizo children at the theater in the evening?
A. I think the two times that I recall them walking up, and the second time with me taking them in the van, they were both in the evening time.
Q. Did you, as part of your work, go into the main house ever?
A. Yes.
Q. And what would you do in the main house?
A. Either deliver messages, or there was a couple of occasions that I was sent in to wake up some individuals that were -- that were in the 10504

house.
Q. Okay. And who were they?
A. Those were the owner's nephews that were upstairs.
Q. And do you remember their names?
A. No, I do not.
Q. Okay. And they were Michael Jackson's nephews?
A. Correct.
Q. Where were they?
A. They were upstairs in the owner's room.
Q. Okay. And describe, if you would, where they were.
A. They were -- when I woke them up, the -- I woke them up on two different occasions. And the first occasion I believe they were on the floor in sleeping bags. And the second time they were up and about, you know, already walking around the room, but they just didn't want to get up, I guess, or something.
Q. This is in Michael Jackson's bedroom area?
A. Correct.
Q. Would you please describe that room area?
A. I only saw it from the doorway, which was -- you open the door, I just remember seeing -- there's a bed and then the floor area. There's a lot of stuff that was in there. You know, a lot of tables and lamps and things like that. 10505

Q. Did you walk through that area?
A. No, I didn't go into the room.
Q. Would you knock on the door?
A. Yes. Yeah.
Q. And someone answered?
A. Yeah.
Q. Who was that?
A. That was one of the nephews at the door.
Q. At some point you saw them sleeping in the room area; is that right?
A. That's correct. That was on the first occasion I saw them sleeping in the sleeping bags.
Q. Where were the sleeping bags?
A. On the floor. They were right near the door in the sleeping bags.
Q. Okay. And you said that was a couple of occasions that you saw that?
A. Them on the sleeping bags?
Q. Yes.
A. Only on the one. I woke them up on a couple of occasions, but most of the time they were already up. I saw the sleeping bags, but they were usually -- just on the two occasions. The first occasion, there was a couple -- the one nephew was actually in the bed -- I mean, in the sleeping bag. But the other occasion, they were already up. The bags were down.
Q. And please describe what Mr. Jackson's 10506

nephews look like.
A. Slender, fairly tall for their age, I would think. African-American. That's about --
Q. Boy? Girl?
A. Oh, they were both -- the two boys.
Q. Uh-huh. Okay. All right. Did you ever see the Arvizo children in Mr. Jackson's personal quarters?
A. No, I did not.
Q. Do you recall ever bringing any soda or popcorn to Mr. Jackson's personal quarters and seeing the Arvizo children in there?
A. Yeah, actually I did bring the popcorn. They requested some popcorn and they were in there, that's correct.
Q. Who made the request?
A. That was made by, I believe, Star. I believe Star was the one who made the phone call to the security office.
Q. And he asked for someone to bring popcorn to Mr. Jackson's quarters?
A. Yeah, if I could bring some popcorn, sodas, you know, Red Hots, snack items from the theater. They didn't want to have to come downstairs and go to the theater.
Q. Did you do that for them?
A. Yes, I did.
Q. Did you talk to Star on the phone? 10507

A. Yes, I did. Yeah, that was -- I took the phone call.
Q. And was it part of your responsibilities to respond to requests like that?
A. Sure. It wasn't out of the norm for me to do that.
Q. If a guest asked for popcorn or food be delivered, would you be one of the people who would do that at Neverland?
A. Absolutely.
Q. This is during the night shift?
A. Night shift, day shift, yeah, whenever. Any request that was given by a guest, we were more than happy to help them out.
Q. And did you bring the food to Mr. Jackson's personal quarters?
A. Yes, correct.
Q. In response to Star's request?
A. Yes.
Q. And approximately what time of day do you think this was?
A. This was in the evening. It was probably eight o'clock, 8:30, maybe, p.m.
Q. And did you go into Mr. Jackson's room?
A. No, I didn't. I stood at the door.
Q. Did you have a chance to look into the room?
A. I don't believe I did.
Q. Okay. Do you recall seeing any sleeping 10508

bags in Mr. Jackson's room?
A. Not on that particular night, no. As a matter of fact, on that particular night, I saw the children later on in their -- their sleeping quarters down, you know, by the officers' station, those bungalow areas. They were -- that night they were down there.
Q. These are the Arvizo children?
A. Those are the Arvizo children.
Q. And you're referring to Gavin, Star and Davellin?
A. Yes.
Q. And where did you actually see them?
A. On that night?
Q. Yes.
A. They were -- later on, probably about an hour and a half after I brought the candy and popcorn to them, they were in their sleeping quarters, and that would be -- I'm not sure if it was the -- Room 1 or Room 2. It was one of the rooms. And they were -- you know, they were inside. They were in their pajamas, ready for bed, watching T.V.
Q. And why is it that you went into the guest quarters and saw the Arvizo children?
A. I was doing my rounds around that area, the light was on, and they were goofing around. They opened the door and they saw me, and we had a little 10509

1 conversation.
2 Q. What time of night do you think this was?
3 A. It had to be around 11:00. Yeah, it was
4 later at night. I know that, because the lights
5 were -- if they weren't already off, the lights on
6 the property were getting ready to be shut off. I'm
7 not sure, but it was probably 11:00, 11:30.
8 Q. Typically in your work, would you check out
9 the guest quarters from time to time?
10 A. Absolutely. We would do that on 15- to
11 30-minute increments. We would check the guest
12 quarters as well as the main house, the perimeter
13 checks.
14 Q. And when you check guest quarters, what do
15 you do?
16 A. Just walk around the guest quarters
17 themselves, make sure that the doors are locked that
18 are supposed to be locked, and, you know, make sure
19 that the guests are either okay, or if they have
20 anything that they need, or, you know, we would give
21 them what they need, things like that.
22 Q. Do you know approximately when this was?
23 And I'm talking about the time you first saw the
24 Arvizo kids in Mr. Jackson's room and then later on
25 saw them in the guest quarters.
26 A. The difference in time frame or the exact
27 time of night?
28 Q. Let me state that better. I asked a poor 10510

question. I'm talking about the month and year.
A. Oh. Probably the beginning of 2003. I left employment in April, so it had to be prior to April. Maybe February.
Q. Do you remember seeing the Arvizos during a time when you thought it was their final visit?
A. Well, I didn't know if it was their final visit, but I recall them -- seeing them when they were packing out at a late hour.
Q. And do you recall seeing them leave?
A. Yes.
Q. Okay. Did you ever see them come back again?
A. After that, no, I did not.
Q. Okay. Now, when -- let me rephrase that. The time you saw them earlier in Mr. Jackson's room and then later on in the guest quarters, was that close to the time when you believe they were last at Neverland?
A. Yeah, that was probably the last visit they were there. If not, it was around the last visit they were there.
Q. Now, you checked the guest quarters, you think, around 11:30, right?
A. Correct.
Q. Did you check them again that evening?
A. Well, yeah, like I said, I would do my every 15- to 30-minute checks, and then after -- after 10511

midnight, one o'clock, I think one o'clock would have been my last check, right around that time frame, and then I was to relieve the officer at the front gate.
Q. Now, in the main house, when you would do your security checks, where would you go?
A. Around the house. We would check the arcade, the bathrooms, the pool area, and just around the main house in general.
Q. Do you know where the wine cellar is?
A. Yes, sir.
Q. And as part of your security check, would you go into the wine cellar from time to time?
A. Periodically. It wasn't a complete destination, but we would -- we would check the -- to make sure that the lights were off down in that -- in that little corridor, as well as the jukebox was placed in front of it blocking the entrance.
Q. And how often would you check that area of the house during your shift?
A. If I was on the 12-hour shift, personally I would check that area -- I would go through the arcade every occasion that I would do a house check, which was every 30 -- you know, 30 minutes. So -- but I wouldn't physically go down to check the door unless there was reason to believe that that area was -- you know, there was somebody down there or 10512

there was a reason to check that door physically.
Q. What kind of a reason would you need to do a security check of the wine cellar?
A. Either I saw lights, heard a noise, the jukebox was moved away from the area, or someone had requested that I go to check that area. Or if I knew that people were actually in the arcade, then I would go down and check that area.
Q. During any of your security checks in February of 2003, did you ever find Gavin and Star in the wine cellar?
A. I did find them in the wine cellar. And I'm not sure of the time frame when they were there, but there was a night that I did find them in the wine cellar, or an evening.
Q. Was it in the year 2003, to your knowledge?
A. I believe so.
Q. Were they with anybody else?
A. No, it was just the two of them.
Q. Why did you go into the wine cellar to check it on that particular day?
A. The jukebox was moved away from the stairwell, and I could see that there was a light on from under the door. Because the game room was dark, there was no light on in the game room, so I could see the light from under the door.
Q. You went down the stairs?
A. Correct. 10513

Q. You went to see the wine cellar, correct?
A. Correct.
Q. What did you see?
A. When I walked in, I saw the two children laughing, giggling, whatever. They were -- they were obviously startled. I kind of snuck down on them, because I wasn't sure who was down there. And they kind of looked at me, and, you know, were laughing, and I could see them with a bottle of alcohol that was in front of them.
Q. Was the bottle open?
A. Yes, it was.
Q. Did you say anything to them?
A. Yeah, I told them that they needed to get out of that area right now and get upstairs, which they did.
Q. Did you see Michael Jackson anywhere near that wine cellar on that occasion?
A. No. No, he wasn't there.
Q. Was there anybody else there besides Gavin and Star?
A. No, it was just the two boys.
Q. Did they seem to respond to your request?
A. Yeah. Yeah, they were pretty shaken.
Q. And what did you see next?
A. Then I just inspected the area to see exactly -- to see if I could figure out exactly what they were doing down there, and that's when I took a 10514

closer look at the bottle and I noticed there was --
some of the contents were missing out of the bottle.
Q. Did you determine how much of the bottle
was -- excuse me, how much of the contents of the
bottle was missing?
A. It was about half full.
Q. Do you remember who was -- was anybody
holding the bottle?
A. No, they were just standing. The bottle was
on the table. There was a little kitchenette area
that's in the -- in that wine cellar area. And the
bottle was in front of them, and the two boys were
kind of around the bottle, but nobody was
physically -- I didn't see anybody physically
holding it.
Q. And when you -- did you ask them to leave?
A. Yes, I did.
Q. Did they leave?
A. Yes, they did.
Q. Did they leave quickly?
A. Yes, they did.
Q. Did they actually run up the stairs?
A. Yes, they scurried.
Q. All right. Did they say anything to you in
response to your request that they leave?
A. Nothing, other than they were -- they were
kind of caught off guard, so they were, you know, a
little surprised. And they just -- they just took 10515

off, you know, when I told them that they needed to be -- that they weren't supposed to be down there and they needed to be upstairs, they -- you know, they turned and hightailed it out of there.
Q. Now, at some point, you saw the Arvizos leave for what you think was the last trip from Neverland, right?
A. Correct.
Q. Do you know approximately how close to that date the incident in the wine cellar was?
A. I think it was the visit prior to that. It was -- it was fairly close. I mean, all their visits were -- that I recall, were very close together towards the end of their -- that last visit, or that I assumed was the last visit, because I didn't see them after that again.
Q. Do you recall the time you think they left for the final time?
A. Yes.
Q. Approximately when was that?
A. That was, I believe, in February, March.
Q. And did you see them actually in the process of leaving?
A. That's correct. Yeah, I was doing a house check, and they were -- the -- they were being packed out -- they had -- one of the limos was in the back of the house, and Jesus Salas was helping them with their luggage, which there was a lot of 10516

luggage that was being packed up, so I helped them pack that luggage up.
Q. Did they ask you for your help or did you volunteer it?
A. I volunteered my help.
Q. Okay. And did they seem to want you to help them?
A. Oh, sure. The kids weren't doing anything physically. They were just getting ready for the ride home. They were kind of watching us do the labor.
Q. Did you talk to Janet at all as you were helping them load the car?
A. No, I did not. No. I spoke to the children, but I didn't speak to her.
Q. Did the children appear upset at all?
A. No, not at all.
Q. What was your impression of their demeanor?
A. They were in fairly good spirits. I mean, despite how -- you know, whatever. It was kind of a late hour. I know it was probably one o'clock, two o'clock in the morning. But they seemed in pretty good spirits. I mean, they said -- you know, they said goodbye and they'd see me again on the next visit.
Q. Did you ever hear Janet Arvizo ever complain about Michael Jackson?
A. No, I did not. 10517

Q. Did you ever hear Gavin Arvizo ever complain about Michael Jackson?
A. No, I did not.
Q. Did you ever hear Star Arvizo ever complain about Michael Jackson?
A. No, I did not.
Q. Did you ever hear Davellin Arvizo complain about Michael Jackson?
A. No, I did not.
Q. Did Janet Arvizo say anything to you at any time about being held against her will at Neverland?
A. Not to me.
Q. Now, when you were helping them load their luggage into the vehicle, what do you recall actually putting into the vehicle?
A. Duffel bags. They were, you know, like gym bags, sort of large duffel bags. That's what I helped load in. You know, I got there at the tail end of the loading, so I just -- there was maybe three bags left, four bags. I know there was some toys and things, too. But most of them were duffel bags. And like I say, it was the tail end of the packing.
Q. Did you ever see a backpack?
A. I do not recall a backpack.
Q. Okay. Who owned the duffel bags, if you know?
A. I don't know. I believe they were 10518

everyone's. I mean, you know, they didn't actually have names on them and nobody was standing next to them to claim either one of them. They just -- they were just there by the back of the car and I helped load them in the back of the car.
Q. And did you help Janet load her possessions into the vehicle?
A. I'm not sure if any of those possessions were Janet's or not. Like I say, nobody laid claim to anything that I loaded in there. They were just standing, watching, and I helped load those bags in.
Q. Is that the last time you saw them?
A. That was the last time that I saw them, yeah.
Q. Did you ever speak to Janet on the phone at any time?
A. Merely to -- yeah, actually, I did. But it was merely to pass along messages to the -- to the owner.
Q. And how often did you do that?
A. I probably spoke to her on the phone maybe twice, three times.
Q. So she would call you to give a message to Michael Jackson?
A. She would call to see if she could be put through to Mr. Jackson. And we would try to ring him and get him on the phone that way, or we would just send her -- send the call directly to the house 10519

itself, and she could try her luck that way.
Q. As far as you know, was that the standard way she tried to reach Michael?
A. As far as I know, yeah. That's how she pretty much tried to reach him.
Q. So she would try to go through you to get connected to Michael Jackson?
A. That's correct. Now, if she called a private line or something like that, I would have no knowledge of that.
Q. Okay. Now, did you have any knowledge, during the time you worked at Neverland, about how one would get into the wine cellar?
A. Yes. Yeah.
Q. What was your knowledge about that?
A. You would -- the door was usually locked, but it wasn't always locked, and you would have to -- you'd have to unlock that door to gain access to it. But the door was always shut.
Q. Did you ever determine how the two Arvizo boys got into that cellar?
A. No, I did not. And I didn't take it any further than what it was. I told the house manager about the incident and I told my supervisor about - Violet Silva - the incident. But other than that, I didn't do any further investigating as far as how they got into the cellar.
Q. Was that the only time you saw Gavin and 10520

Star Arvizo drinking in the wine cellar?
A. Well, that was the only time I saw them in the wine cellar, yeah.
Q. Did you know anything about where a key was kept to get into that cellar?
A. We had a key in the officers' station, yeah.
Q. And where was that kept?
A. That key was kept in our filing cabinet, locked in the top of the filing cabinet.
Q. Do you know if there was a key in an employee break room?
A. That I do not know. Possibly. I mean, that's a good possibility. Somebody in the house might have had -- one of the house individuals might have had a key.
Q. Now, when you say "possibly," what do you mean?
A. Well, I mean, I don't recall them ever --
MR. AUCHINCLOSS: Object.
THE WITNESS: Go ahead.
MR. AUCHINCLOSS: Object. Foundation.
THE COURT: Overruled.
You may complete your answer.
THE WITNESS: Can you repeat it?
Q. BY MR. MESEREAU: Let me withdraw the question and ask it again.
You said possibly there was another place where a key was kept, in the employee break room? 10521

A. Right. Yeah, I knew that there was keys that were located in the break room, but I didn't know what those keys were or what they were to.
Q. Did you ever see any of the Arvizo children in that area?
A. Personally, I did not see anybody in that area. It wasn't frequently that I would go into that area, though, since it was located in the house.
Q. To your knowledge, how many keys were there to the wine cellar at Neverland?
A. To my knowledge, I would assume it was just our key. We had the only key. I mean, I don't know for sure, but that's the only key that I was aware of.
Q. Do you know if Joe Marcus, for example, had access to a key?
A. Possibly. I mean, that could be possible.
Q. Do you know if the cooks had access to keys?
A. I don't believe the key -- the cooks did, because I recall them frequently asking us to unlock that door for them.
Q. Do you have any knowledge of cooks going up and down the stairs into the wine cellar to get food that was in the refrigerated wine cellar?
A. Yes, I do.
Q. Okay. But do you have any idea how they would gain access when they did that? 10522

A. When they did that, they would ask us for access into the cellar. It was pretty frequent that we would -- if they needed access to that cellar, that we would open it and just leave it open, since they would be going -- if they were going to be getting food or drinks or whatever from that cellar, they would need nonstop access, so we would just leave it open, and they would come and go as they pleased.

It wasn't feasible for us to continually open and lock, open and lock, open and lock, every time they needed to get access to it.

Q. So are you saying that there were periods of time when it was open for quite a while?

A. Yes, that's correct.

Q. And when it was open, how long would it be open?

A. Well, it depends on the -- on the checks. If there was nobody -- if there was visibly nobody that was entering the wine cellar, and we could see that they were done there, we were doing our 15- or 30-minute checks, then we'd go ahead and secure it. But if we could still see individuals coming and going, we would leave it open. So it just depended on visually what we saw on our rounds, on our checks.

Q. Now, if you had a large event at Neverland, where a lot of food was being prepared by the cooks, 10523

would it be accurate to say that probably the wine cellar might be open for hours so people could go back and forth with -- and get food or wine?
A. That would be -- that would be a fair assumption, yeah. It could be open for an entire shift.
Q. When you saw Gavin and Star Arvizo in the wine cellar alone, you had no idea how they got in there, right?
A. No, I did not.
Q. Okay. Did you ask them, “How did you get in?”
A. No, I did not.
Q. Would you see them all over Neverland while they were visiting?
A. Yes.
Q. What would you see them doing?
A. Usually playing. They were either, like I said, at the theater, riding the go-carts -- I mean, the golf carts. On the rides. Up at the train station. Back at the zoo. They’d be everywhere, just doing, you know, what -- basically just doing whatever they wanted to.
Q. In your opinion, were they well behaved?
A. Not -- not -- I mean, they weren’t completely out -- they were acting, you know, not like totally out of control, but they were pretty much -- you know, they were there to have fun, and 10524

1 they were -- there was occasions where they'd break
2 things, let me put it that way. I mean, there's
3 occasions where they would, you know, destroy some
4 property.
5 Q. What property are you talking about?
6 A. Golf cart. They crashed a golf cart and did
7 some damage to it, which they -- which they denied
8 doing. But later they admitted to doing it. And I
9 believe that's the only real damage, other than
10 turning rocks over or just throwing trash around
11 and, you know, things like that.
12 Q. Where would they throw trash around?
13 A. Pretty much anywhere they were at around the
14 ranch. They'd throw, you know, wrappers of candy
15 bars, and things like that, just kind of anywhere.
16 Q. Anything else they did that bothered you?
17 A. There wasn't -- you know, there wasn't --
18 like I said, they weren't -- they weren't too bad.
19 Q. Now, when they crashed the go-carts, did you
20 make a report?
21 A. A report was made, but it wasn't made by me.
22 One of the other officers made that report.
23 Q. Did you actually see it happen?
24 A. I saw the golf cart. I didn't witness them
25 crashing. I saw them coming from the area where
26 that golf cart was, but I didn't actually -- I don't
27 think anyone actually witnessed the -- you know, the
28 crashing of the golf cart. But they were the only 10525

people -- they were the only kids that were there at that time, the only people.
Q. Now, was your job at Neverland the first job you had had in the area of security?
A. Yes.
Q. Okay. And how are you currently employed?
A. I'm employed at the Lompoc prison.
Q. Okay. What do you do there?
A. I'm a correctional officer.
MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Meridith.
A. Good afternoon sir. How are you doing?
Q. I'm doing very well, thank you.
Your job as a security officer at Neverland, part of that job was to prevent intruders from coming onto Neverland; is that fair?
A. That's correct.
Q. Did you wear a uniform for that job?
A. Yes, sir.
Q. All the security guards wear uniforms?
A. Yes, sir.
Q. Pretty visible presence there at Neverland?
A. Yes.
Q. Is that designed to give intruders some visible presence so that they know that they're 10526

going to have to get through the security guard to get onto the property?
A. Yes, sir, that's a fair assumption.
Q. All right. And the guests are aware of your presence?
A. Absolutely.
Q. And your job is to keep them safe as much as the owner; is that fair to say?
A. That's correct.
Q. All right. Now, as far as the Arvizo boys at Neverland, you mentioned that they were a little rambunctious; is that a fair assessment?
A. That's fair, yeah.
Q. And is it also fair to say that all the kids who come and stay at Neverland for extended periods eventually start to become pretty rambunctious?
A. Eventually. There's no real supervision, and kids are going to be kids. So it's not uncommon for -- children that, you know, are on the ranch kind of get the emperor feeling and kind of act up.
Q. Is it fair to say that the fact there really is no supervision, they get to kind of do whatever they please, one thing leads to another, and that's probably when they start to get somewhat destructive or rambunctious?
A. I'm sure, yeah, that's a fair assumption.
Q. Okay. What about Mr. Jackson's cousins, would you characterize them in the same fashion? 10527

A. They -- they pretty much came and went. You know, they were never there for an extended period of time. They would maybe be a night or two nights or a weekend, so they were -- they were -- they were pretty much okay. I don't think they had a lot of idle time. They were there strictly to visit and then they would go. I don't recall them ever doing anything other than playing basketball.
Q. Would they ever break things?
A. That I -- I don't know. No, I don't recall. I don't recall that they ever broke anything.
Q. Now, at one time you were interviewed by, I believe, the defense investigator, and you indicated to him that you thought the wine incident was around Christmas of 2002; is that --
A. Yeah, it was roughly around the time of their -- you know, all in that area, the Christmas, February, March. I mean, it was all around that time. I'm not real sure on the exact time frame.
Q. As far as your patrol duties go, your patrol duties don't really take you inside the main house unless there's some specific reason; is that fair?
A. That's correct.
Q. Okay. And this one incident where you went into the main house to -- actually, I believe you said there were two incidents where you went into the main house to wake up the nephews?
A. Correct. 10528

Q. And you said you went upstairs to do that;
is that right?
A. That's correct. Yeah.
Q. So you went to a bedroom up the main
staircase?
A. That's correct.
Q. So as you enter Neverland, or I should say
as you enter the main house through the main front
doors, to the right is a stairway?
A. That's correct. I would come in from the
back door, though. We didn't usually access the
front door unless we were requested.
Q. So coming into the main hallway, you see a
very large staircase there --
A. Correct.
Q. -- is that right?
Is that the stairway you went up to go to
the bedroom where you woke up these children?
A. Yes, it is.
Q. And they were in a room with some sleeping
bags?
A. On -- on one occasion, they had the sleeping
bags with the children. When I woke up the nephews
the first time, they were in the sleeping bags. On
the second occasion that I recall, they were already
up and, you know, around and about in there.
Q. Did you see Mr. Jackson at that time?
A. I did not, no. 10529

Q. You said that there was an incident where you saw Gavin and Star in the wine cellar?
A. Correct.
Q. Now, your routine as a security officer is to go around and check doors and make sure they're locked; is that right?
A. That's correct.
Q. How often do you make your rounds in the evening?
A. Like I said, we usually do them 15-, 30-minute rounds.
Q. When you make those rounds, is one of your duties to check the wine cellar and make sure it's locked?
A. That's a fair assumption. I think it would be to go downstairs and actually physically check that door.
Q. So if that door is left unlocked, would it be reasonable to say that it's not unlocked for very long. Eventually some security guard goes down there and locks it?
A. Correct. That's correct. As long as there's nobody visibly -- you know, house staff that's visibly coming in and out of that.
Q. You mentioned that. If there's some activity where people are moving in and out, you'll just let it remain open?
A. Right. We'll just kind of leave it open. 10530

Q. When you went down there, Star and Gavin were laughing?
A. Yeah, they were having a good time. They were obviously playing, goofing off.
Q. Did they seem intoxicated at all?
A. You know, I didn't even get to talk to them that long. All I did when I came downstairs was, you know, just tell them that they weren't supposed to be in that area and they knew better than that, and they needed to get upstairs immediately.
Q. You said there was a half bottle of wine that had been opened?
A. That's correct.
Q. Do you remember where that half bottle of wine was in relation to Gavin and Star when you went in the room?
A. They were behind the -- like I said, when you walk into that -- to the wine cellar, there's a kitchen area that's in there. There's a table in that kitchen area. The wine was sitting there, and they were on either side of that bottle, just kind of standing, you know, standing, laughing, goofing off, pushing each other, doing things like that.
Q. Any glasses?
A. No, I didn't see any glasses.
Q. Did you smell any alcohol on their breath?
A. No, I did not. I did not.
Q. So you really don't know whether or not they 10531

had been drinking that alcohol?
A. No. I can't guarantee that they were actually drinking the alcohol.
Q. Was Mr. Jackson on the property at the time?
A. Yes, sir, I believe he was.
Q. All right. Do you know if he'd been spending some time with Gavin and Star?
A. Not that evening, I don't believe so.
Q. Would you know that? Were you spending time around Gavin and Star that evening?
A. I would see them. I mean, at that time, they were our only guests, so, you know, I would see -- if they were out and about, then I would -- you know, I would see them.
Q. Was their mother there at the time?
A. I believe Janet was there at the time.
Q. Are you sure about that or --
A. No, I'm not positive. I'm not positive.
Q. As far as these dates go, did you make any notations or notes or anything?
A. Nothing really stood out in my mind as far as -- you know, as far as the circumstances surrounding any of those instances, so I didn't really -- you know, other than making reports if something was damaged, or the instance where they were drinking in the cellar where I told my supervisor. Or where I assumed they were drinking in the cellar. 10532

Q. Did you make any reports about that?
A. Other than telling my supervisor, that's all I did.
Q. When they left the wine cellar, did they appear to have a key with them?
A. No, they did not. Not that I could see.
Q. Did it ever come to your attention that they had a key?
A. I have no knowledge whether they had a key or not.
Q. Mr. Jackson, of course, has access to that wine cellar; is that true?
A. With -- usually Mr. Jackson would call and ask one of us to unlock that wine cellar if he wanted access to it. It wasn't frequent that I ever saw him go down there, though. I mean, on my shift, you know.
MR. AUCHINCLOSS: Thank you. No further questions.
THE WITNESS: Thank you.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. MESEREAU: Defense will call Mr. Brian Salce.
THE COURT: Please remain standing. Face the 10533

clerk and raise your right hand.
BRIAN SALCE
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and
spell your name for the record.
THE WITNESS: My name is Brian Salce.
B-r-i-a-n; S-a-l-c-e.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Salce.
Mr. Salce, where are you currently employed?
A. Neverland Ranch.
Q. And how long have you worked at Neverland
Ranch?
A. On and off for six years in October.
Q. And do you know the fellow seated at counsel
table to my right?
A. Yes, sir.
Q. Who is he?
A. Mr. Jackson.
Q. Okay. He's your employer?
A. Yes, sir.
Q. All right. What kind of jobs have you held
at Neverland Ranch? 10534

A. When I started there, I was in the fire academy. And I was hired as a safety officer doing security work. Then when I completed the fire academy, I was promoted to firefighter, and I did that for most of the time I was there. Became a supervisor, and then just recently was promoted to fire chief.
Q. And where is the fire academy?
A. Allan Hancock.
Q. And when did you attend the fire academy?
A. In ‘99, I believe.
Q. And how long a course was that?
A. That’s -- I took the nine-month. I took it at night. There’s a daytime and a night. I took the nighttime, Tuesday and Thursday nights, and Saturday days.
Q. So you are a trained firefighter?
A. Yes, sir.
Q. And when you become a trained firefighter, do you get some type of a license?
A. Yes, it’s -- as far as I know, most of the fire academies are state-certified fire academies. At least that’s what I went to at Allan Hancock. When you’re done with that, then you hold a state certificate.
Q. Now, there is a portion of Neverland that’s involved in fighting fires if necessary, right?
A. Yes, sir. 10535

Q. And please describe that.
A. That would be the fire department.
Q. Okay.
A. And -- where you have firefighting equipment. We have a fire engine. We train. We do everything we're -- you know, we're -- that you would do as a firefighter.
Q. Are you -- excuse me. When you were working with the fire department at Neverland, were you the only firefighter?
A. No, sir.
Q. How many, typically, did you have in the fire department at Neverland?
A. We -- over my course of employment, we would run anywhere from seven to fifteen firefighters, possibly more.
Q. And were most of these firefighters trained the way you were?
A. Absolutely. In order to be employed as a firefighter, you have to go through a fire academy, state certified.
Q. Now, would these individuals typically come to work at Neverland after attending the fire academy?
A. Yes. On some occasions, like with myself, they would start there. We had one employee that started there, was working as a safety officer, and then just from interacting with the firefighters 10536

realized that that's something he may be interested in, and then he enrolled in the fire academy. And I --

Q. Now, would there be firefighters at Neverland 24 hours a day?

A. Yes, sir.

Q. And how many -- excuse me, let me rephrase that.

What would your typical shift be at Neverland as a firefighter?

A. Hourly?

Q. Yes, please.

A. Since I've been employed with Neverland, we've ran from either 6:00 in the morning to 6:30 p.m., or 6 p.m. until 6:30 in the morning. So you have a half hour of overlapping.

Q. On each shift, how many firefighters would there be?

A. It's varied over the years. We used to always try to have two firefighters, with a minimum of one. But over different times when they've had different levels of employment, sometimes we have not had a firefighter there.

Q. And during the year of 2003, I'm talking particularly about the first three months of the year, January, February and March, did you typically have firefighters present at Neverland?

A. I was not employed during those dates. 10537

Q. Okay. Do you know if any firefighters were there during that period of time?
A. I would not know that, sir.
Q. Okay. When did you last work as a firefighter at Neverland?
A. Yesterday.
Q. Okay. All right. You were at Neverland in 2003, were you not?
A. I was -- I left Neverland in -- I left in -- I'm drawing a blank -- in 2002 of November, I believe, and came back June of 2003.
Q. Do you remember ever meeting a family named Arvizo?
A. Yes, sir.
Q. And what do you remember about them?
A. I -- I -- nothing different than any other guests.
Q. Did you ever meet Janet Arvizo?
A. I did on one occasion.
Q. And describe that occasion, if you would.
A. Met her -- it was the day of an event. Met her in the theater. The three children were with her. They introduced her to me, and right away, she knew who I was, said that the kids spoke very highly of me; that they really liked me; that I was very nice to them. Gave me a hug. And asked me if I liked Mexican food and gave me their number and address and told me to write the kids. Said if I'm 10538

ever in L.A., I should stop by the house and eat
Mexican food is what she said.
Q. Did you ever do that?
A. No, sir.
Q. Okay. You met her children?
A. Yes, sir.
Q. And were they Gavin, Star and Davellin, to
your knowledge?
A. Yes, sir, I believe so.
Q. Two boys and a girl?
A. I remember Gavin and Star. The girl's name
I wasn't always clear on.
Q. Did you ever observe the children at
Neverland?
A. Yes, sir.
Q. What did you see them doing?
A. Playing with the golf carts. Just more
outdoor stuff. Riding quads, things of that nature.
Q. Did you ever see Michael Jackson with the
Arvizo children?
A. I saw him interact with them, but not in --
not in great lengths. It was --
Q. And where do you think you saw Mr. Jackson
interact with the Arvizo children?
A. I believe I saw him talking to them one day
near the main house.
Q. Now, where is the fire station in relation
to the main house? 10539

A. Well, what we actually call the fire station used to be up at the administration office. We called it the fire station. It housed the fire engine, but we didn't actually -- we weren't housed there. We were at an office down closer to the main house.
Q. When you say "closer to the main house," what do you mean?
A. Connected by a breezeway, but not part of the same structure.
Q. When did the fire station become permanently located up top?
A. When I started there. That's what they had always called the fire station.
Q. Now, if you're at the fire station, do you have a view of Neverland?
A. Of --
Q. What do you see as you look out the windows at the fire station?
A. One window you see railroad tracks on a hillside. Excuse me. Another window you see the same. The other window you can see the parking lot for the administration office.
Q. As a firefighter, do you patrol around Neverland as part of your duties?
A. Yes, sir.
Q. Please explain what you mean.
A. We -- the firefighters are trained as 10540

firefighters, but everybody in our safety department acts as a safety officer or a security officer as well, so we trade off with shifts at the gate or driving around and patrolling the property. Just to make sure nothing is out of place or anything of that nature.

Q. Now, as a security officer, what were your duties at Neverland?

A. Primarily it was to come in and get pass-on from the shift prior. We would spend a certain amount of time at the front gate, depending on staffing. Could be anywhere from four to six hours. And then we would spend -- if you spend four there, you would spend four patrolling. You could open buildings, certain buildings, in the morning to start the day, or at the end of the day you could lock buildings up. We would, depending on the hour, check on just animals, the zoo. You know, a lot of it's making sure doors are locked, or unlocked. Just washing the vehicle, washing the fire engine. And then the other thing, we would do house checks. If we were stationed at the house, at that office, we would do a house check every hour or so. And we would walk around the house, check doors, make sure that they're secure or unsecured, depending on what the, you know, directive was.

Q. And does that happen every shift?

A. Yes, sir. 10541

Q. Would you check the guest quarters as well?
A. The guest quarters we would check. We would check most of the time. If we didn't have guests, we would make sure the doors are secured. If we had guests, we wouldn't mess with the door that had a guest, so we didn't interrupt them, but the other ones that were supposed to be empty we would check, yes, sir.
Q. And what are the locations at Neverland where you saw the Arvizo children?
A. I remember one time in particular at the theater, and I remember another time that we had to -- we had to go get them from down by the front gate. They had gone either horseback riding or quad riding, I don't remember exactly which it was, and I believe the little girl needed to go back to her guest unit. I think she was asthmatic and she needed to get her inhaler or something. I think. I'm not sure.
Q. Did you ever see Mr. Jackson act inappropriately with the Arvizo children?
A. No, sir.
Q. Did the Arvizo children ever complain to you about Mr. Jackson?
A. No, sir.
Q. Did Mrs. -- Mrs. Arvizo ever complain to you about Michael Jackson?
A. No, sir. I met her on that one occasion and 10542

she was happy and laughing, and that was my only contact with her.
Q. Did you see her walking around the property?
A. No.
Q. Okay.
A. That was the only day that I know of her being there when I have been employed there.
MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Salce.
A. Good afternoon, sir.
Q. I just want to be clear on the period of time that you were not at Neverland.
A. Okay.
Q. You mentioned a period of several months when you were not employed there.
A. Yes, sir.
Q. Can you mention that for me again, the exact dates?
A. I started in October of '99. I left in November, I believe it was end of November of 2002. And then I started again -- I then worked for another company. Came back in, I believe, June of 2003.
MR. AUCHINCLOSS: All right. Thank you very much. No further questions. 10543

THE WITNESS: Thank you, sir.
MR. MESEREAU: No further questions.
THE COURT: Thank you. May step down.
Call your next witness.
MR. SANGER: Yes, Your Honor. The defense will call Commander Russ Birchim.
THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk here and raise your right hand.

RUSSELL ROBERT BIRCHIM
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Russell Robert Birchim. B, as in boy, i-r-c-h-i-m.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SANGER:
Q. Commander Birchim; is that right?
A. Correct.
Q. Commander Birchim, the first thing is you need to lean into that microphone on the right side. It's hard for everybody to get close in this 10544

courtroom for some reason.
How are you employed?
A. I'm employed by the Santa Barbara County Sheriff's Department.
Q. You're a commander in that department --
A. Yes.
Q. -- is that correct?
Were you employed by the Santa Barbara County Sheriff's Department in 1993 and 1994?
A. Yes, I was.
Q. And in early 1994, what was your position at that time?
A. I was in the CID, the detective bureau, as a detective.
Q. CID stands for Criminal Investigations --
A. That's correct.
Q. -- Division?
A. Yes.
Q. Okay. In any event, you were a detective, right?
A. Yes.
Q. Did you have occasion to work with Detective Monk?
A. Yes.
Q. You recall, in 1993, do you not, contacting a Kassim Abdool and a Ralph Chacon?
A. No.
Q. Okay. Do you recall working on an 10545

investigation regarding Mr. Jackson?
A. Yes.
Q. Do you recall contacting two security guards for the purpose of serving them with a grand jury subpoena?
A. In 1994, yes. Not ‘93.
Q. Did I say ‘93?
A. Yes.
Q. I’m sorry. Okay. In 1994, did you contact Kassim and Ralph Chacon?
A. Yes.
Q. There you go. All right. And where did you first contact them?
A. At their homes in Lompoc, their respective homes.
Q. All right. And what was the purpose of contacting them?
A. Serve them with grand jury subpoenas, a sitting grand jury in Los Angeles, California, I think, for May 9th of ‘94.
Q. All right. Did you, by chance, review your report before you came to testify?
A. I reviewed a lot of reports, but yes.
Q. Okay. Well, that’s good. So based on your reviewing your report, you’ve refreshed your recollection as to these events; is that correct?
A. That’s correct.
Q. All right. Now, did you -- let’s start with 10546

Kassim Abdool. He was at his house in Lompoc when you made contact?
A. That's correct.
Q. And both you and Detective Monk went to his house; is that right?
A. Yes.
Q. And did you both -- excuse me. Did you both identify yourselves as sheriff's detectives?
A. Yes, we did.
Q. Did you serve him with the subpoena? You accomplished that task?
A. Yes.
Q. And at that time, did he give you any information about criminal activity or alleged criminal activity with regard to anyone at Neverland Valley Ranch?
A. No.
Q. Did you leave him, then, with a subpoena and go about your business?
A. Yes.
Q. Did you also contact Ralph Chacon?
A. Yes.
Q. And similarly, did you and Detective Monk meet him at his house in Lompoc?
A. Yes, we did.
Q. Did you serve him with a grand jury subpoena for the L.A. County Grand Jury?
A. Yes. 10547

Q. And I take it you also identified yourselves as detectives for the Santa Barbara County Sheriff's Department?
A. We did.
Q. Did Ralph Chacon give you any information about any alleged criminal activity at Neverland Ranch?
A. No.
Q. And I take it, after you served them, you went about your business; is that correct?
A. That's correct.
Q. Actually, before you left either of those people -- well, let's do it one at a time. Before you left Mr. Abdool on that date, did you give him a business card?
A. Yes, we did.
Q. And did you tell him that if he wanted to discuss any observation or knowledge regarding any activity on the ranch, that he could call you?
A. Yes.
Q. And did you do the same thing with Mr. Chacon?
A. Yes.
Q. And as of the time you left them on that day, they did not give you any information whatsoever about anything pertaining to the investigation; is that correct?
A. That's correct. 10548

Q. Did we establish that day was 4-29-94?
A. Yes, sir.
Q. Now, when was the next time you had any contact with Mr. Abdool?
A. That would have been in -- on May 4th, I believe, of '94.
Q. May 4th, did Mr. Abdool phone and request a meeting?
A. Yes, he did.
Q. Did he -- did he have any restrictions on what kind of a meeting he would have with you?
A. Yes.
Q. What were the restrictions?
A. He wanted to meet Detective Monk and I alone with Ralph Chacon, in a secluded area away from Santa Maria and Santa Barbara.
Q. All right. On the telephone, did he give any information about any alleged information that he might claim to have?
A. I'm not sure if he did on the phone at that point. I don't believe so.
Q. You say you do not believe so?
A. I don't believe so.
Q. And in fact, you set up a meeting at a isolated and relatively private place; is that correct?
A. That's correct.
Q. And what place did you select? 10549

A. Gaviota rest stop on U.S. 101 halfway between here and Santa Barbara.
Q. Is that something that you have mutually agreed upon between yourselves and the sheriff's department and Mr. Abdool on behalf of Mr. Chacon?
A. Yes.
Q. Did you meet them at the rest stop?
A. Yes, we did.
Q. And what day was that?
A. I believe that was either the same day or the following day. May 4th, 5th.
Q. All right. Did you bring that report with you?
A. No, I didn't.
Q. Would it help refresh your recollection to see a copy of that report --
A. Yes.
Q. -- for the date?
May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: Commander, having reviewed the report, does that refresh your recollection as to the date that you met with Mr. Abdool and Mr. Chacon at the Gaviota rest stop?
A. Yes. It was May 5th, '94.
Q. And at that time, did -- who did the talking? Mr. Abdool or Mr. Chacon?
A. Mr. Abdool. 10550

Q. Did Mr. Chacon speak with you at all?
A. Very briefly.
Q. All right. Did Mr. Abdool tell you that he had any specific information with regard to any criminal activity?
A. No, he didn't.
Q. Did he request a meeting with Deputy District Attorney Tom Sneddon?
A. Yes.
Q. I'm sorry, with District Attorney Tom Sneddon?
A. Yes.
Q. Almost caught me on that one. All right. All right. And did you arrange for a meeting between Mr. Abdool and Mr. Chacon and Mr. Sneddon?
A. Yes.
Q. Did you attend the meeting that eventually occurred?
A. Yes, I did.
Q. Okay. Now, when did that meeting occur?
A. May 6th, '94.
Q. All right. And who was present besides Mr. Sneddon?
A. Ralph Chacon, Kassim Abdool and myself. I believe Detective Monk was also there.
Q. All right. At that time, did Mr. Abdool or Mr. Chacon state that they had eyewitness accounts 10551

as witnesses of illegal activity?
A. No, they did not.
Q. Did they ask hypothetical questions in the form, “Well, what if we had information?”
A. They did not specify “we.” They asked what if they had information.
Q. Did they ask if they could be placed into a government witness program?
A. Yes, they did.
Q. Did they ask what was involved in being placed in a government witness program?
A. Yes.
Q. Did they ask if they would receive compensation while in that program?
A. I don’t believe it was that general -- it was more general than that. It wasn’t that specific as to what they would receive.
Q. Did Mr. Chacon indicate that he owed child support?
A. Yes.
Q. At some point during this conversation, did both Mr. Abdool and Mr. Chacon say that they had information that the tabloids would probably purchase from them?
A. I don’t remember the specific words. It was akin to that statement, yes.
Q. And did they tell you that instead, they felt morally obligated to tell the truth in the 10552

grand jury proceedings?
A. Yes.
Q. And did they tell you that they felt morally obligated not to seek money for what they might know?
A. Possibly. I don't recall.
Q. Would it help to look at your report?
A. Yes.
MR. SANGER: May I approach, Your Honor?
THE COURT: Yes.
I'm referring to right there, but you can read whatever you want.
Thank you.
Q. Does that refresh your recollection?
A. Yes.
Q. Did they say that they felt morally obligated not to seek money for what they knew?
A. Yes, they did.
Q. At the conclusion of the meeting, they still had not told either you, Detective Monk, or District Attorney Tom Sneddon what they knew; is that right?
A. That's correct.
MR. SANGER: I have no further questions.
THE BAILIFF: Judge, it is the break time.

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Commander, I've been waiting 30 years to do 10553

this.
MR. SANGER: Move to strike that remark.
I'm not sure I know what it meant, but I would move
to strike it.
MR. SNEDDON: To cross-examine him. That's
what I meant. I'm sorry.
THE COURT: Go ahead.
Q. BY MR. SNEDDON: The first time you
contacted Mr. Kassim Abdool was on the 29th of April
of 1994 to serve a subpoena for the grand jury,
correct?
A. Yes, that's correct.
Q. And when you served that subpoena on Mr.
Abdool, he did indicate to you at that time that he
was afraid to appear before the grand jury, did he
not?
A. Yes, he did.
Q. And he stated to you, in fact, that he was
afraid to appear before the grand jury because it
might jeopardize his job; isn't that correct?
A. Yes.
Q. And that he was in fear if he had to tell
the truth; isn't that correct?
A. Yes, it is.
Q. And when you got to Mr. Chacon's house, you
served a warrant -- "a warrant." You served a
subpoena on Mr. Chacon, correct?
A. That's correct. 10554

Q. And when you served the subpoena on Mr. Chacon, he also indicated to you that he felt that if he honored that subpoena that it could jeopardize his job at the ranch?
A. That's correct.
Q. And he also told you that if he had to tell the truth as to what he knew before the grand jury, that he was in fear for his family and his life?
A. That's correct.
THE COURT: Counsel? Break time.
MR. SNEDDON: I was just getting going, Judge.
(Recess taken.)
THE COURT: Go ahead.
MR. SNEDDON: Thank you, Your Honor.
Q. Commander Birchim, when you went out to serve Mr. Abdool and Mr. Chacon on the 29th of April of 1994, was it your purpose or intention to do an interview of them at that time?
A. No, it wasn't.
Q. And you did not do an interview of them at that time, correct?
A. No, we didn't.
Q. And you knew that they were going to be, pursuant to the subpoena, required to attend the Santa Barbara or Los Angeles County grand juries, correct?
A. That's correct. 10555

MR. SANGER: Objection. Compound and calls for speculation.
MR. SNEDDON: I'll divide it up, Judge. No problem.
Q. The subpoena that you served Mr. Abdool with required him to appear in Los Angeles in front of the Los Angeles County Grand Jury on the 9th of May of '94, 1994, correct?
A. Yes, correct.
Q. And the subpoena that you served to Mr. Chacon also required him to be there on that particular day in Los Angeles before the Los Angeles County Grand Jury?
A. That's correct.
Q. And that was in connection with allegations that had been made by a young child by the name of Jordan Chandler; is that correct?
MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Were you aware of the nature of the proceedings that were then underway in Los Angeles that required Mr. Chacon and Mr. Abdool to be subpoenaed?
A. Yes, I was.
Q. Was that the matter of which you were investigating?
A. Yes. 10556

Q. And you had been assigned at that particular point as one of the lead investigators; correct?
A. That's correct, yes.
Q. Would that be true also if I asked you the same question with regard to Mr. Chacon's appearance before the Los Angeles County Grand Jury?
A. That would be also true, yes.
Q. And did the subject matter have to do with allegations against Mr. Jackson for child molestation?
A. Yes, they did.
Q. Now, the next time that you met with Mr. Abdool and Mr. Chacon was on May the 5th, correct?
A. That's correct.
Q. And that was at the Goleta area -- Goleta beach area?
A. No, it was at Gaviota rest stop.
Q. Gaviota. And that meeting had been set up the day before, correct?
A. That's correct.
Q. Now, it was in an area I think you described as a secluded area up there; is that correct?
A. Yes.
Q. And the reason that you chose that particular area as being secluded is because they indicated to you that they were afraid; isn't that right?
A. That's right. 10557

Q. And that they were afraid that they may be followed or that somebody from Mr. Jackson's representatives would see them meeting with law enforcement authorities, correct?
A. That is correct, sir.
Q. And at that meeting on the 5th, when you met with those -- with Mr. Kassim and Mr. -- I'm sorry, with Mr. Abdool and Mr. Chacon, they indicated to you that they had actually had a meeting on the 3rd of May with representatives of Mr. Jackson's attorney team, correct?
MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.
THE COURT: Overruled.
THE WITNESS: That's correct, yes.
Q. BY MR. SNEDDON: And they indicated to you at that time that they had been offered the services of a free lawyer to appear before the Santa Barbara County -- the Los Angeles County Grand Jury, correct?
MR. SANGER: Objection. Calls for hearsay; beyond the scope of direct.
THE COURT: Hearsay objection is sustained.
MR. SNEDDON: Your Honor, I indicated it was a prior consistent statement involved here in the whole conversation. There's been -- I don't want to say anything more, but there's --
THE COURT: When you say prior consistent 10558

statements have been offered, do you mean within this witness's testimony?
MR. SNEDDON: No, statements made by the other two individuals who, I believe, under 791, when there's been a --
THE COURT: What is this -- your witness. Isn't that true, though, that would be outside the scope of the direct testimony?
MR. SNEDDON: Your Honor, I think it bears on the sequence of the total testimony that Mr. Sanger elicited. He elicited the sequence of events, but I don't want to argue with the Court. I don't want to say anything to get myself in trouble, but there's more that happened in between that explains some of the conduct. That's all I'm suggesting to the Court. And in fairness -- let me withdraw that question, Your Honor, and ask another question.
THE COURT: All right.
MR. SNEDDON: See if I can get there another way without --
THE COURT: All right. Go ahead.
MR. SNEDDON: Okay. Because this one goes directly to....
Q. During that conversation that Mr. Sanger asked you about when you met with him on the 5th, do you recall that?
A. Yes. 10559

Q. And you recall Mr. Sanger asked you whether or not they disclosed any details to you on that particular occasion?
A. Yes.
Q. Now, did they, in fact, tell you on that particular occasion that they had been asked to have representatives of Mr. Jackson present at the grand jury hearing and that they declined those services and told them they were simply going to tell the truth and they didn't need a lawyer for that?
MR. SANGER: Objection. That is grossly compound, a speech by the District Attorney. It should be stricken. And it also calls for hearsay and it's beyond the scope of direct.
THE COURT: The objection is overruled. You may answer.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: Did they tell you whether or not, after that conversation with Mr. Jackson's lawyers on May 3rd, whether or not they'd ever been contacted by an investigator representing Mr. Jackson?
A. Yes.
Q. And did they give you --
MR. SANGER: Objection. Calls for hearsay and it's beyond the scope of direct.
THE COURT: Overruled. The answer was, "Yes." Next question. 10560

Q. BY MR. SNEDDON: When did they tell you that they received a contact from -- well, first let me get to the name.
Who was -- they identified the person as Mr. Mason, did they not?
MR. SANGER: Objection. Calls for hearsay', beyond the scope of direct.
THE COURT: Overruled.
THE WITNESS: Yes, Eric Mason.
Q. BY MR. SNEDDON: And when did they tell you that contact occurred?
A. I believe it was at Gaviota. It may have been at the meeting in your office. I don't recall when.
Q. And that the meeting had occurred prior to the time that they had contacted you, correct?
A. That's right.
Q. And at the meeting that Mr. Sanger asked you about at Gaviota on May 5th, 1994, both Mr. Abdool and Chacon indicated to you that they could be in danger from Mr. Jackson's people if they told what they knew, correct?
A. Yes, that's correct.
Q. And they were worried about that?
MR. SANGER: Objection; calls for speculation.
MR. SNEDDON: I'll rephrase it.
Q. And they told you they were worried about 10561

that, did they not?
A. Yes, they did.
Q. And the reason that they didn't want to say anything to you at that point in time is because they wanted to meet with the District Attorney's Office to discuss the fact of getting protection before they went into the details of what they knew; isn't that correct?
MR. SANGER: Objection. Calls for speculation. It's also compound.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, that's correct.
Q. BY MR. SNEDDON: And in the same meeting at Gaviota, when you were talking to Mr. Chacon and to Mr. Abdool, they told you that -- they indicated to the attorneys representing Mr. Jackson in that meeting that they intended to tell the truth in front of the grand jury, correct?
A. Yes, that's correct.
Q. And they told you that, in the call from Mr. Mason, that they indicated to Mr. Mason that they were going to tell the truth when they testified before the grand jury?
A. Yes, that's correct.
Q. Now, moving to the conversation on the 6th of May that occurred in the District Attorney's Office, both Mr. Abdool and Mr. Chacon expressed 10562

grave concerns about protection, correct?
MR. SANGER: Objection, Your Honor,
particularly the adjective. Calls for speculation
and it's vague.
MR. SNEDDON: I'll withdraw that and just
leave the word. It doesn't make any difference.
I'm sorry.
Q. During the meeting on the 6th, at the
District Attorney's Office, did Mr. Chacon express
to you concerns about the safety of him and his
family?
A. Yes, he did.
Q. Did Mr. Abdool express to you concerns about
his safety and that of his family during that
conversation?
A. Yes, he also did.
Q. And did they actually ask for somebody
connected with our offices, the Santa Barbara
Sheriff's Department and the District Attorney's
Office, to explore the possibility of a federal
protection witness program if they went before the
grand jury and told the truth?
A. Yes, they did.
Q. And were they told at that particular point
in time that there were no assurances that that kind
of protection could be given even if they testified?
A. That's correct.
Q. Did they indicate -- did Mr. Chacon indicate 10563

to you at that time that he was -- that in speaking
to law enforcement, he believed that he was placing
himself at great risk?
MR. SANGER: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Now, you indicated to Mr.
Sanger that in discussing the conversation that
occurred on May 6th of 1994, that Mr. Abdool and Mr.
Chacon -- let me take them separately. That Mr.
Abdool was doing most of the talking; is that
correct? Do I have the conversations mixed up?
A. On the 5th at Gaviota?
Q. Yes.
A. Yeah, he was doing most of the talking.
Q. How about at the 6th at the meeting?
A. They spoke at that.
Q. Okay. During that conversation on the 6th
where you were present and representatives of the
D.A.'s were present - office - did they relate to
you -- or they did relate to you, did they not, that
they had information about Michael Jackson fondling,
passionately kissing on the mouth and sucking the
penis of small boys?
MR. SANGER: Objection, Your Honor. First
of all, that misstates the evidence, unless
counsel's got another report he hasn't turned over.
MR. SNEDDON: It's right here.
MR. SANGER: No, it's not right there. I 10564

know what it says.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: They indicated they may have
that evidence, yes, they did.
Q. BY MR. SNEDDON: I couldn't hear you.
A. They did indicate that they had that
knowledge or had knowledge about who might have that
knowledge, yes.
Q. And it was related in a hypothetical,
correct?
A. Yes.
Q. But the words they used was that they said
Michael Jackson fondling, correct?
MR. SANGER: Objection; asked and answered.
THE COURT: Sustained.
MR. SANGER: And also misstates.
Q. BY MR. SNEDDON: Now, when -- to your
knowledge, did Mr. Abdool appear before the Los
Angeles County Grand Jury on the day that he was
supposed to?
A. Yes.
MR. SANGER: Objection; beyond the scope of
direct.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Were you present during a
conversation where Mr. Chacon was called in and
appeared before -- his statement was taken under 10565

oath?
MR. SANGER: Objection; beyond the scope of direct.
MR. SNEDDON: I believe these qualify under 791.
THE COURT: I think the question is vague. I can't tell exactly what you're referring to.
MR. SNEDDON: I'll clarify it.
Q. On May the 10th of 1994, Mr. Chacon appeared before an individual -- or appeared in a hearing and was placed under oath. Were you present then?
MR. SANGER: Objection. First of all, that's a statement, not a question. And it's compound, assumes facts not in evidence.
THE COURT: Sustained.
MR. SANGER: And it's beyond the scope of direct.
THE COURT: Sustained.
Q. BY MR. SANGER: Were you present on May 10th when Mr. Chacon was brought in and his statement was taken under oath?
MR. SANGER: Beyond the scope of direct.
THE COURT: Sustained.
MR. SNEDDON: Is that the basis, Your Honor? I don't want to quibble with the Court. If it is, I'll just move on.
THE COURT: It is, I think, beyond the scope.
Q. BY MR. SNEDDON: Commander Birchim, were 10566

you, in fact, later assigned to investigate death threats that were received by both Mr. Abdool and Mr. Chacon?

MR. SANGER: Objection, Your Honor, beyond the scope of direct.

THE COURT: Sustained.

Q. BY MR. SNEDDON: To your knowledge, were official reports filed with law enforcement agencies concerning death threats against Mr. Chacon and Mr. Abdool?

MR. SANGER: Objection, Your Honor. Counsel is just testifying. I ask he be admonished. It's beyond the scope of direct.

THE COURT: Objection sustained.

MR. SNEDDON: Nothing further, Your Honor.

MR. SANGER: Excuse me just one second.

REDIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Now, the fact is that Mr. Abdool and Mr. Chacon said to you they might have to go to the tabloid, or the tabloids were interested in purchasing stories from them; is that right?

A. They said they had information that would be valuable to the tabloids.

Q. Okay. And they said they weren't going to do that, right?

A. That's correct. 10567

Q. And you're aware that they, in fact, did that; isn't that right?
A. That's correct.
MR. SNEDDON: Object as argumentative.
THE COURT: Overruled. The answer is in.
"That's correct," he said.
Q. BY MR. SANGER: Do you know whether or not these two people joined with others and filed a lawsuit against Mr. Jackson for money?
A. Yes, they did.
Q. And by the end of the conversations that you had at the rest stop and the meeting with Mr. Sneddon, neither one of these people reported to you what they claimed to know; is that correct?
MR. SNEDDON: Object as argumentative, Your Honor. And leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: They indicated hypothetically what information they may have.
Q. BY MR. SANGER: They didn't say they had it. They said they might know that somebody might have that.
A. Information that would come from them.
Q. And they asked you if that would be valuable to you, didn't they?
A. Yes.
MR. SANGER: Okay. I have no further 10568

1 questions.
2 //
3 //
4 //
5 RECROSS-EXAMINATION
6 BY MR. SNEDDON:
7 Q. With regard to the lawsuit that Mr. Sanger
8 was talking to that Mr. Kassim or Mr. Abdool and Mr.
9 Chacon were involved in against the defendant in
10 this case, to your knowledge, did that lawsuit occur
11 after they had made the statement to you that they
12 felt morally obligated to reveal this information to
13 a grand jury?
14 A. Yes.
15 Q. And did it occur before they were
16 threatened?
17 MR. SANGER: Objection, Your Honor, calls
18 for speculation.
19 MR. SNEDDON: I can lay the foundation,
20 but -- seems to me he opened it up.
21 THE COURT: The objection is sustained on the
22 question.
23 MR. SNEDDON: All right. No further
24 questions.
25
26 FURTHER REDIRECT EXAMINATION
27 BY MR. SANGER:
28 Q. All right. Was there -- did at any time, 10569

during these meetings, Mr. Abdool and Mr. Chacon mention that James Van Norman was threatening them?
MR. SNEDDON: Your Honor, I'm going to object as beyond the scope of re -- whatever it was I did, cross.
THE COURT: Overruled.
Go ahead.
THE WITNESS: Specifically Jimmy Van Norman, I believe they did, yes.
Q. BY MR. SANGER: And did you believe at the time that they were trying to use law enforcement for the purpose of helping them win a civil case?
A. No, I did not.
MR. SANGER: I have no further questions.
MR. SNEDDON: Nothing further.
THE COURT: You may step down.
MR. SANGER: Your Honor, we'll -- I take it you intend to go to 2:30?
THE COURT: Yes.
MR. SANGER: Okay. I just knew there was something pending, so I just wanted to know. In any event, we'll call Mr. Vivanco. And what we propose to do is start with testimony that doesn't have to do with the areas that were under --
THE COURT: That's good. That would work.
MR. SANGER: I may run out. We'll see how long it takes.
THE COURT: You may run out. 10570

MR. SANGER: I don't want to just prolong it unnecessarily to get to 2:30, but I do have some question areas and we'll go through those, if that's all right.

THE COURT: Okay. That works.

When you get to the witness stand, please remain standing.

Face the clerk here and raise your right hand.

ANGEL VIVANCO

Having been sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: Angel Vivanco.

BAILIFF CORTEZ: Take a seat and speak in here.

THE WITNESS: Oh.

Angel Vivanco. A-n-g-e-l; V-i-v-a-n-c-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SANGER:

Q. Okay. Mr. Vivanco, you know the gentleman seated right there?

A. Yes. 10571

Q. And is that Mr. Jackson?
A. Yes.
Q. And how do you know him?
A. I worked for him for three years.
Q. All right. Do you still work for him?
A. No.
Q. Where do you work now?
A. At Radco Company.
Q. Okay. When you worked for Mr. Jackson for that three-year period, what were your job duties?
A. I was a chef assistant.
Q. And what was the time period that you worked for him? You started right around when?
A. '99 through 2003, I think.
Q. Okay. About when in 2003 did you cease working for -- or whenever you stopped. Do you remember when it was? Was it 2003?
A. Yes.
Q. Okay. When in 2003 was it that you stopped working for Mr. Jackson?
A. I don't remember what month it was. But it was -- I think it was six months ago. Or seven months ago.
Q. Okay. So if it was six or seven months ago -- if this is 2005, what year would that be? It's okay.
A. Sorry.
Q. Take your time. 10572

A. I don't remember the month, actually. I don't remember the month.
Q. But it was 2005. Was it in 2004 that you stopped working?
A. 2003.
Q. 2003. Okay. And you think it was six or seven months ago from today?
A. Yeah.
Q. Okay. All right. Now, let's clear something up while we're at it here. Where do you live?
A. Santa Maria.
Q. And where did you live in February of 2003?
A. Guadalupe.
Q. Guadalupe.
Your Honor, with the Court's permission, I'd like to put up on the board Exhibit 451, and I'm going to go to Tab 5 and the page. I think the way we identified it is this was a phone bill, March 26th, of David Ventura, and it's 8-1 of 9, 8-2 of 9, and 5-4 of 5. And those pages are -- there's one page in between them, but that's what they are.
THE COURT: All right.
MR. ZONEN: These are exhibits already in evidence.
MR. SANGER: Who's doing this?
MR. ZONEN: I am.
MR. SANGER: Do you know which one this is? 10573

MR. ZONEN: Yes. Go ahead.
MR. SANGER: May I? Thank you.
Q. I'm going to put up -- let's see if I can do it this way: I have to hold the book, so I'm going to try to hold it steady. Try to hold it steady and project my voice from here.
I want you to look up at the board. And after you get through looking at the board, you can turn back around and talk into the microphone.
But do you see the two lines there that say, "Guadalupe, California"?
A. Yes.
Q. And then you see next to it, it says "(805)," right? Do you see that right next to it?
A. Yes.
Q. And it says, "343-5002." Do you see that?
A. Yes.
Q. Do you recognize that phone number?
A. Yes, I do.
Q. Is that your phone number?
A. Yes.
Q. Is it still your phone number?
A. No.
Q. Why not?
A. I don't live in Guadalupe anymore.
Q. So you moved?
A. Yes.
Q. All right. In February of 2003, was that 10574

your phone number?
A. Yes.
Q. I'll just put that one page up, so I won't need the screen anymore at the moment.
All right. Let me ask you, when you were working for Mr. Jackson, I think you said, what, starting in 1999?
A. Yes.
Q. At some point, did you have occasion to meet the Arvizo family?
A. Yes.
Q. Can you remember the first time you met the Arvizo family?
A. No.
Q. Okay. I'm not asking you for a date, but do you remember first meeting them in general, first seeing them?
A. Yes.
Q. Okay. Do you remember who was with them the first time you saw them?
A. I saw them with their mother.
Q. Okay. And do you remember the mother's name?
A. Yes.
Q. What's her name?
A. Janet.
Q. All right. And who -- when you say "them," who is the "them"? Who did you see with Janet? 10575

A. Her children. Star, Gavin and Davellin.
Q. All right. And can you tell us what they were doing at the ranch when you first saw them there?
A. They were visiting the ranch.
Q. All right. Now, do you recall if this is a time when -- or do you recall roughly when this was?
A. No, I don't.
Q. Was it closer to the beginning of your employment or the end of your employment?
A. The beginning.
Q. All right. Did you see them there with their father at any time?
A. No.
BAILIFF CORTEZ: I'm sorry, could you speak a little louder?
Q. BY MR. SANGER: It's not just you. Everybody has trouble with that microphone. You really have to lean into it - okay? - and then speak up.
All right. Now, at some point, do you recall seeing the Arvizos, at least the children, at the ranch when Mr. Jackson was not there?
A. Yes.
Q. Do you recall who it was that had invited them to the ranch?
MR. ZONEN: I'm going to object as speculative. Lack of foundation. 10576

THE COURT: Sustained.
Q. BY MR. SANGER: Do you recall who it was that they were with visiting the ranch?
A. They were with their mother.
Q. Was there anybody else that was there?
A. The brother and sisters, Star and --
Q. Is that the first time you saw them?
A. Yes.
Q. All right. Let's fast-forward a little bit and go on in time. Was there some point when they were there for a birthday party?
A. Yes.
Q. Okay. And whose birthday party was that; do you recall?
A. I don't remember the occasion.
Q. Okay. Do you remember a movie star of some sort being there with them?
A. No.
Q. Okay. Okay. You recall a birthday party of some sort, though; is that right?
A. Yes.
Q. You don't know whose birthday party it was?
A. No.
Q. Did you have occasion to have interaction with Star Arvizo during that period of time?
A. Yes.
Q. And do you remember anything unusual?
MR. ZONEN: I'm going to object as vague as 10577

to what period of time.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. During the period of time when they were visiting during this birthday party -- you recall it was a birthday party, right?
A. Yes.
Q. And they're there visiting?
MR. ZONEN: Object as vague as to what period of time.
THE COURT: Overruled.
You may answer.
MR. SANGER: Did we not get an answer to the last question?
THE COURT: The last question was, "And they were there visiting?" And I think you might have been interrupted.
MR. SANGER: All right. Let me restate that, then.
Q. When they were visiting during this birthday party, was Mr. Jackson there at the ranch?
A. No.
Q. All right. Now, that period of time - I'm talking about this birthday party period of time when they're visiting, and Mr. Jackson's not there - do you recall having any interaction with Star Arvizo?
A. No.
Q. Okay. What was your job during that period 10578

of time? Where did you work?
A. I was a chef assistant.
Q. Chef assistant?
A. Yes.
Q. So where did you do that job?
A. What did I do?
Q. Where did you do it? Where were you? Where
did you stand?
A. I was at the theater.
Q. Okay.
A. And I would serve food for them.
Q. Okay. Where did you get the food to serve?
A. From the kitchen at the main house.
Q. Okay. Take a deep breath or two here. I
know it's hard sometimes.
Where were you working? In other words,
when you showed up, where was the main place that
you'd be working during the day?
A. At the main house.
Q. Okay. And where in the main house?
A. In the kitchen.
Q. There you go. And the kitchen has like a
counter; is that right?
A. Yes.
Q. And people sit there?
A. Yes.
Q. All right. Now, you said something about
the theater. What was that about? 10579

A. Oh, well, I would sometimes take food to the theater when they needed -- when they asked for it.
Q. So you would get a call. Somebody would call and ask you to bring food to the Arvizo kids at the theater?
A. Yes.
Q. All of the kids? Gavin, Star and Davellin?
A. Not all together. Just sometimes one at a time, or sometimes together, you know.
Q. All right. Do you recall any of the kids asking you to prepare something with alcohol in it?
A. Yes.
Q. What was that? Tell us about that incident.
A. It was a milkshake.
MR. ZONEN: Vague as to time.
THE COURT: I'll sustain the objection, but I'm assuming that this is all around the date of the birthday, right?
MR. SANGER: That's my understanding. Let's just ask to be sure.
Q. Was that the same trip as the birthday?
A. No.
Q. It was a different trip?
A. Yes.
Q. Okay. Was Mr. Jackson there at the premises when this occurred?
A. No.
MR. ZONEN: Objection; lack of foundation. 10580

THE COURT: Overruled.
MR. SANGER: The answer came in I think?
THE COURT: It's in. It was "No."
Q. BY MR. SANGER: All right. Now, on that
occasion, what was the incident? What happened?
You were asked to prepare a drink with alcohol?
THE COURT: Just a minute.
Michele, do you need a little break here?
THE REPORTER: I think I'm fine now.
Thanks.
THE COURT: Go ahead.
Q. BY MR. SANGER: Okay. Tell us about that
occasion when one of the boys asked you to prepare
an alcohol drink.
A. He was at the bar, in the kitchen.
Q. Do you remember which one it was? Star or
Gavin?
A. It was Star.
Q. All right. And what did Star say to you?
A. He asked me to make him a milkshake.
Q. All right.
A. And just -- I made it for him, and he
pointed at the cabinets full of liquor, and he
pointed out one of the bottles and asked me to pour
some in the milkshake.
Q. Okay. What was in the bottle?
A. Liquor.
Q. Okay. Do you remember which kind? 10581

A. It was a Mexican kind. It was called Jimador.
Q. He was asking you to put that in the milkshake?
A. Yes.
Q. All right. Did you do that?
A. Yes.
Q. You put the alcohol in the milkshake?
A. Yes.
Q. Okay. Before you put it in the milkshake, did Star say anything to you?
A. Yes.
Q. What did he say?
A. He told me if I didn’t do it, he would tell Michael, and I would get fired.
Q. So then you put the -- you put the alcohol in the milkshake?
A. Yes.
Q. Do you recall Gavin ever having any particular incident with you?
A. Yes.
Q. Can you tell us about that?
A. Be more specific.
Q. Was there a time that Gavin asked you for some -- for some Cheetos?
MR. ZONEN: I’m going to object as irrelevant.
THE WITNESS: No. 10582

THE COURT: Overruled.
Q. BY MR. SANGER: Do you recall him asking for some food of some sort?
A. I don't remember.
Q. Okay. Do you remember if Gavin ever swore at you?
A. Oh, yes.
Q. What did he do?
MR. ZONEN: I'll object as irrelevant.
THE WITNESS: He just swore at me.
MR. ZONEN: I'll object as irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: He just swore at me and --
asking for some Cheetos or saying --
Q. BY MR. SANGER: You can say it. Tell us what he said.
A. "Give me the fucking Cheetos." That's what he said.
Q. Okay. Now, was there an incident that occurred with Star in the kitchen involving a knife?
A. Yes.
Q. And can you tell us about that?
A. I was serving some guests on the bar some food, and he was helping us that day to cook.
Q. Star was in there helping you in the kitchen area?
A. Yes, he asked to help. So we let him. I 10583

was serving a plate to one of the guests, and he had
a knife like two -- one inch on my neck.
Q. Okay. What kind of a knife was it?
A. It was a kitchen knife.
Q. Do you recall about how big it was?
A. It was nine inches. Or -- a foot long. It
was a foot.
Q. A foot?
A. Yes.
Q. What was the knife for? What kind of a
knife was it?
A. It was to cut meat.
Q. Did you keep that pretty sharp in your
kitchen?
A. Yes.
Q. And you said he had it about an inch from
your neck. What was he doing with it when he put it
an inch from your neck?
A. He just had it holding up onto my neck. And
I didn't realize it until one of the guests yelled
at Star, saying, "What are you doing?"
Q. Who was the guest; do you recall?
A. It was Vinnie.
Q. All right. And do you recall what Vinnie
said?
A. He said, "If" --
MR. ZONEN: I'll object as hearsay.
THE COURT: Overruled. 10584

THE WITNESS: He said, “If that was my
mother seeing me doing that, I would get a beating.”
Q. BY MR. SANGER: All right. He was saying
that -- he was directing those remarks to Star?
A. Yes.
Q. Now, were you -- how did you react to that?
How did you feel about that?
A. I didn’t really think nothing of it.
Q. Were you scared?
A. Sort of, yeah. Mostly -- well, it made me
nervous.
Q. Okay. All right. Do you recall a time when
Star showed you some magazines?
A. Yes.
Q. Was this a time when Mr. Jackson was on the
property?
A. No. He was not on the property.
Q. Was this near the time of the birthday party
or near the time -- the beginning of your
employment, or towards the end?
A. Towards the end.
Q. Okay. Now, do you remember -- there was the
Bashir documentary. Do you remember that?
A. Yes.
Q. Do you remember -- that came out on
television at some point, right?
A. Yeah.
Q. Do you remember if this family came to the 10585

ranch after the Bashir documentary?
A. No.
Q. Okay. Before the -- before the Bashir documentary, do you remember the family being there? When I say “family,” I mean the kids.
A. Yes.
Q. All right. When Star showed you the magazine, and Mr. Jackson wasn’t there, was that before the Bashir documentary or after it?
A. It was after.
Q. It was after the Bashir documentary?
A. Yes.
Q. Okay. So do you then recall them being at the ranch after the Bashir documentary?
A. Yes.
Q. Okay. All right. Now, you said you served food or you were responsible for being an assistant cook. Do you know whether or not Star and Gavin would take food to the guest unit?
A. Yes.
Q. All right. And did they do that?
A. Yes.
Q. All right. Now, after the Bashir documentary, do you remember seeing Janet Arvizo at the ranch?
A. Yes.
Q. Do you know somebody by the name of Dieter Weizner? 10586

A. Yes.
Q. Was Dieter Weizner at the ranch in that same period of time?
A. Yes.
Q. Now, how long was the family at the ranch after the Bashir documentary, before they left for the last time?
A. Probably about two -- two to three weeks maybe.
Q. And during that period of time, did you see Janet Arvizo come out to the kitchen area or come into the kitchen area where you were working?
A. No.
Q. Okay. When I say “kitchen area,” I don’t mean going in the actual kitchen, but in the kitchen area, you have a counter, right?
A. Yes.
Q. Did you ever see Janet Arvizo come to that counter?
A. After the Martin Bashir --
Q. Yes.
A. No. After that, no.
Q. Okay. Did you see the Martin Bashir video when it came out?
A. Yes.
Q. All right. So your recollection is you saw her there before the Martin Bashir video?
A. Yes. 10587

Q. Did you see her there with Dieter?
A. Yes.
Q. Okay. Now, let me ask you what you recall about her being there with Dieter.
Okay. I want you to get a mental picture of what was going on. As best you can, try to remember what happened. You see Janet Arvizo coming into the area. What do you call that area where the counter is?
A. The bar.
Q. The bar. Okay. You see her coming into the bar. And were you there when she arrived the first time, or do you recall?
A. Yes.
Q. Where was Dieter?
A. He was sitting at the bar.
Q. Okay. And were they sitting next to each other to begin with?
A. No.
Q. What do you recall happened after that?
A. They started talking.
Q. Okay.
A. And they got -- they asked for a bottle of champagne.
Q. Okay. Now, did -- was Dieter talking to Janet, or Janet to Dieter, or were they both talking to each other?
A. Well, I don’t know who started the 10588

1 conversation. But it seemed Janet started talking
2 to Dieter.
3 Q. Okay. Did they remain at their places at
4 the bar?
5 A. No, they got closer together.
6 Q. Okay. How long did they sit at the bar
7 together that first time?
8 A. For a couple hours.
9 Q. Okay. Do you recall Janet Arvizo's
10 demeanor, how she was acting?
11 A. Flirtatious.
12 Q. Okay. After they sat at the bar for that
13 period of time, did they go anyplace else?
14 A. They went to the living room.
15 Q. Okay. And where is the living room?
16 A. Couple steps to the right.
17 Q. Okay. There's like a formal living room and
18 then there's a family room area; is that correct?
19 A. Yes.
20 Q. Did they go to the family room or the living
21 room?
22 A. The family room.
23 Q. And are there couches there in the --
24 A. Yes.
25 Q. Where did they sit?
26 A. They sat next to each other in front of the
27 T.V.
28 Q. Okay. And what were they doing? 10589

A. They kept on talking.
Q. All right. Were they drinking anything?
A. Yes.
Q. What were they drinking?
A. The champagne they ordered.
Q. All right. Do you recall how long they sat there in the family room area?
A. A couple more hours.
Q. And then during that period of time what was Janet Arvizo's attitude?
A. Flirtatious.
Q. So just continued on the entire time?
A. Yes.
Q. And did they seem to be having a good time?
A. Yes.
Q. Did they eventually leave?
A. Yes.
Q. And did they leave together or separately that first time?
A. The first time, together.
Q. And do you recall them saying anything on the way out?
A. No.
Q. All right. Do you know where they went?
A. No.
Q. All right. So they went out the door together?
A. Yes. 10590

Q. Okay. Did you see them again that night?
A. No.
Q. Now, did you see them again the next day?
A. Yes.
Q. And what happened that day?
A. The same thing. They ordered champagne again, and they were talking together --
Q. Okay.
A. -- after dinner.
Q. And when they -- when they left the area, was -- how did Janet seem? What was her attitude?
A. Different. It was more, like, serious.
Q. Okay.
A. They just talked. They didn't really flirt as much as they did the other day.
Q. Did she seem to be happy or unhappy?
A. More --
MR. ZONEN: I'm going to object as speculative.
THE COURT: Sustained.
Q. BY MR. SANGER: Were you able to determine by observing her whether or not she seemed to be happy or unhappy?
MR. ZONEN: Objection; speculative.
MR. SANGER: That would be a "yes" or "no."
THE COURT: I'll overrule the objection.
Q. BY MR. SANGER: Were you able to determine, by looking at her, whether she seemed to be happy or 10591

unhappy?
A. She seemed more serious.
MR. ZONEN: Object to anything beyond “yes” or “no.”
THE COURT: Sustained.
Q. BY MR. SANGER: Did you see whether or not Dieter Weizner and Janet Arvizo had any physical contact?
A. No.
Q. Did either one hug the other?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. That was the second night. Now, was there another night?
A. I don’t remember if there was a third night.
Q. Okay. All right. Now, during this period of time, did you have occasion to talk with Davellin?
A. Yes.
Q. And what was your first contact with Davellin Arvizo, social contact, as it were? What were the circumstances, in other words?
A. Well, if she asked for something, like a hamburger or something, I would make it for her. That’s the only way I could talk to her.
Q. Okay. And you’d make something for her. Would she come and get it or would she ask you to deliver it? 10592

A. Well, at first she would sit at the bar and I would serve it to her.
Q. At some point did she have you deliver food to her?
A. Yes.
Q. And where would you deliver it?
A. To the theater.
Q. Was she at the theater alone?
A. No.
Q. Who was with her?
A. Well, actually she asked me to take her to the theater with the food.
Q. Oh, with the food. Okay.
A. Yes.
Q. Now, was she at the theater more than once?
A. Yes.
Q. Was she at the theater with anybody from time to time?
A. I don't remember. Maybe her brothers were there with her.
Q. Okay. Did she -- after you drove her to the theater that one time, did she ask you to come back and bring her food there on other occasions?
A. No, not there.
Q. Other places?
A. Yes.
Q. All right. What was your shift? When did you usually work? 10593

A. Seven o’clock in the morning till maybe 10:00 at night.
Q. All right. So you’d be there in case guests or anybody or Mr. Jackson needed food; is that right?
A. Yes.
MR. SANGER: All right. Now, I know it’s not quite 2:30, and I could probably drag some questions out, but I really think we’re at a point we need to address the other issues, Your Honor, if we could.
THE COURT: All right.
You’re asking to recess early so you can --
MR. SANGER: So we can address that, yes, sir.
THE COURT: Okay. We’ll recess early today. I’ll see you tomorrow at 8:30.
You’re going to have that for me in the morning, are you?
MR. SANGER: Yes. I could have it this afternoon maybe, if that’s of any help.
THE COURT: The earlier the better.
MR. SANGER: Okay.
(The proceedings adjourned at 2:20 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 10431 through 10594 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER